

**BOARD OF MAYOR AND ALDERMEN**

**October 3, 2006**

**7:30 PM**

Mayor Guinta called the meeting to order.

Mayor Guinta advised that the joint session with Library Trustees will not be held this evening due to a lack of quorum and we will address the matter at the next meeting.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,  
Lopez, Shea, DeVries, Garrity, Thibault, Forest

Absent: Alderman Smith

Mayor Guinta stated I will refer to the Chairman of the Board.

Alderman Lopez as Chairman of the Board stated I believe Kevin Clougherty is somewhere out there. At this time, Kevin, if you would please come to the microphone to make a statement to the Board of Mayor and Aldermen.

Mr. Kevin Clougherty, Finance Officer, stated I’d like to read a letter if I may.

September 29, 2006

Honorable Board of Mayor and Aldermen

Dear Mayor Guinta and Chairman Lopez:

It has been my privilege to serve as the City of Manchester’s Finance Officer for nearly twenty years. However, I am in receipt of an employment offer that presents a unique opportunity that I cannot ignore. Therefore, I ask the Board to please accept this letter as notification of my retiring from city service effective October 31, 2006.

Manchester has grown into an important socio-economic force in Northern New England and will continue to prosper so long as management adheres to the strict financial discipline introduced over the last several years. I am very proud to have been a part of the City’s “renaissance” and will miss working with the Board and especially the exception staff in the Finance Department.

Please convey my very best wishes to the Board and all city staff.

Warmest Regards,

s/Kevin A. Clougherty  
Finance Officer

Mr. Clougherty stated I will miss working with the Board and I mean that sincerely. You've been great to me and I appreciate all the courtesies that you've shown my family and I.

Alderman Lopez stated thank you very much. I have two motions. The first motion is to accept the resignation of Mr. Clougherty with regrets. Alderman O'Neil duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Alderman Lopez stated due to the financial transactions the City must carry on. Tonight I have a resolution stating that effective November 1, 2006 employee Randy Sherman is appointed to the position of the Finance Officer on an interim basis until such time as a permanent Finance Officer is appointed. This would ensure that the department will have the time to perform the necessary tasks needed to have serious transactions on November 1<sup>st</sup> and provide continuity for all facets of administration operations. All of the current Finance Officer's access to the Finance transactions shall be limited during the remainder of his stay. This is needed to protect both the City and the Finance Officer from even the hint of impropriety during the transition period. The Finance Officer's City credit card shall be cancelled and all office safe combinations and passwords should be changed. Once again, this is an interim control to protect both the Finance Officer and the City.

Alderman Roy duly seconded the motion.

Alderman Thibault stated I don't think I heard exactly what you said. Did you say as Finance Officer or as Acting Finance Officer?

Alderman Lopez replied Finance Officer on an interim basis.

Alderman Thibault stated then I would just challenge, your Honor, that if in fact the attorney for the City feels that he's comfortable with that I haven't a problem with it. I'm just saying that I want to make sure that legally we're on the right track here.

Alderman Lopez stated Kevin Buckley the City's Independent Internal Auditor and the City Solicitor agree with this and the Solicitor is there if he'd like to make a comment.

Deputy City Solicitor Arnold stated I think that naming Randy Sherman should the Board choose to do so as Interim Finance Officer pending the appointment of a permanent Finance Officer by this Board is appropriate.

Alderman O'Neil asked Tom could you take that a little further though. It was my thought anyway as I became aware of this situation that Randy would as the Deputy automatically assume the responsibilities of the Finance Officer. That's how it is in other departments. Can you tell me what makes this case unique?

Deputy City Solicitor Arnold replied there are various state statutes dealing with the powers of the Finance Officer that I think make this case unique.

Alderman O'Neil asked can you tell me what those are.

Deputy City Solicitor Arnold replied in a general sense there are several state statutes that deal with the authority of a Finance Officer to enter into or approve transactions on behalf of the City. Those do not necessarily extend to a Deputy Finance Officer especially after the Finance Officer is not absent for a temporary period of time but has retired from City employment.

Alderman O'Neil stated so are you saying that if Mr. Clougherty took a one-month vacation we wouldn't need to do this.

Deputy City Solicitor Arnold stated I think that's correct, yes.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman O'Neil being duly recorded as abstaining and Alderman Long being duly recorded as opposed.

Introduction of Rick Brenner, President and General Manager of the Fisher Cats.

Mayor Guinta stated Alderman Lopez and I had an opportunity and I'm sure some of the other members of the Board have also had the opportunity to meet with the new General Manager of the Fisher Cats who is here this evening, Rick Brenner. If you want to just come forward we wanted to properly introduce you to the Board and to the people at home and if you could come forward, take a seat and quickly give a caption of who you are. We would like to welcome you to the City and hope you have much success in your tenure as the new General Manager.

Mr. Rick Brenner stated it is a pleasure to be here. I'm very excited. I went to school at Plymouth State up north so I'm very excited to be back in New Hampshire again. I'm looking forward to having a lot of fun with all of you. It's just an absolutely gorgeous facility that you have here in Manchester. So, we're just excited about it. I've been in this business for about 14 years now and real excited about this place as a home and as an opportunity just to have a whole lot of fun. Come on down to the stadium. We've got good stuff planned for next year.

Mayor Guinta stated we're certainly pleased to have you and pleased to see the stadium doing so well in the City of Manchester and hopefully you'll have much success in the City and the State of New Hampshire. Thank you very much.

### Presentation of MDC Quarterly Report.

Mr. Paul Borek, Economic Development Director, stated at this time I would like to introduce Michael McCluskey the Chairman of the Manchester Development Corporation.

Mr. McCluskey stated good evening and thank you for your patience. I came to visit with you a few months back and one of the points that I talked about was that we were hoping we would be able to meet with you periodically and sort of give you an update of what things were going on at MDC and consistent with that message that is why I am here this evening. With that, I thought it was important for us to periodically tell you what was going on and hopefully to get some of your input. I thought tonight that we could spend some time primarily on bullet number one here, which is the Hillier Report. The Board of Mayor and Aldermen gave to the Manchester Development Corporation a request that we look through the entire Hillier Report and come up with some priority recommendations for implementation. What I hope to do this evening is cover with you the results of the thoughts of MDC since you gave us that charge, a lot less time on the Development Process Review Committee that is also going on...a moment on the Ash Street School and a little bit about investment, the Incentive Loan Fund. But, as I said the majority of the time would be on the Hillier Report. If you recall the Hillier Report had a lot of recommendations for development in downtown Manchester and what we tried to do...out of this as you can see there's a wide variety of items in here - everything from the convention center to parking to neighborhood redevelopment. We had a Strategic Committee that was headed up by Gary Long and what they tried to do in setting this priority and looking at it from three prongs first of all was what was the priority. In this case, a five is high so if you looked at this case you'd look at the JacPac property and you'd see that it received a high priority and the second one was...even though it may be a high priority within the Hillier Report it is something that MDC really has an ability to help in that process and then finally what they tried to do was give a ranking order that said which one would have the greatest positive impact on the City. If you go across as an example even though we would say that a relatively high priority would go into the UNH Manchester expansion you can see that it has a 4 as a high priority but we really thought that it was something that we really couldn't influence that much. You have to think about a decision to expand UNH is going to be done by the University of NH Board of Trustees and until they have a permanent president in place or maybe even a high priority it's something that we didn't think we could influence. So, if you go across you'll look at a couple of priorities that I was going to talk about. The first one is the JacPac property and from the Strategic Planning Committee that came with the highest priority and something that we think that the MDC should put its first priority on. First of all, I think some of the discussion would come that the decision that you folks made to purchase that land I think we'd all support it even with hindsight to say when you have an opportunity to acquire 17 acres along the riverfront and for you to be able to shape how that is going to be developed and let somebody else have it under control we still think is a wise decision. It's currently owned by the City and Manchester Housing and Development

Authority is the one that's doing the maintenance on it and right now. We have no pre-determined site development program and we know that there are a lot of issues with that. We know that we've got the railroad right-of-way that goes through there. We know that it's adjacent to the MTA property and when you look at the MTA property that abuts Rockwell International and KeySpan what is the opportunity? I think what we'd like to do, and we've already got it in a draft phase, is issue an RFP. Let developer's come back with some ideas of how they think it could be developed and then we could weigh the alternatives of how they see that and incorporate that and from that try to develop a development plan per se. Obviously, to do that there are a lot of planning partners between the Manchester Housing Authority. There would be private developers, abutters, etc. As I said, as people respond and there has been some interest in the property to have the developers come in and make their specific recommendation on how they think it could be there so that we keep an open mind as to what all the potential items would be. So, that would be our number one priority. The RFP is in the final stages and ready to be issued and we'd like to go forward with that. The second priority would be the parking situation and I think there's a couple of things right there. If you go down to the third bullet it says "reaching the tipping point for continued economic development" and I think our feeling is that if we want the Millyard to expand further one of the precursors is going to be parking and to make sure that people have that and I think something a little bit different. Right now, even though we may think that we've got a high utilization of our Millyard and we do but I think if some of that could be converted to office space which would lead to something that would have a higher tax value and return the money...if there's going to be parking places we don't feel that people would be spending the time and energy and I think that if developers know that there is going to be access to parking it gives them the incentive to develop some of the plans that they may have in place. There's a whole lot of questions and a series would do that but I think some of the thoughts would be there is some money remaining from the sale of the Center of NH Garage, it could be used for that along with a partnership with a private development and I think some if some of the people commit. I know that the law firm that I work with we're going into a new lease space in Concord and part of that arrangement is we're going through the city and leasing ahead of time for the term of the lease a certain number of parking places so they know there's a certain revenue. Those would be the types of things I think we'd like to explore. As it says in the second bullet, the Finance Department is creating financial models and I think there's a whole variety that we've got to look at before we could come back to you with a concrete recommendation. I know there are some developments people are doing on an individual site and talking about putting like rooftop parking and I think that is something that will help those individual buildings but it isn't going to help the overall development of the entire Millyard area. We went back and looked at some of the various alternatives that we had. We think that UNH could develop, if they know there's more parking. This could be a precursor to development of the Gaslight District. In other words if we tried to look at things...if you were looking at them in a sequential nature that we thought that this would be a thing that should be helpful and it could help for planning future commuter rail and a whole variety of things so that's why we gave that the second priority. I

know one of the things I do in the business world we call the project festering...you've got ten projects...you don't try to get ten going because then nothing really lands. What we're really talking about is out of that list of all of the recommendations trying to pick out the two that we think would have the most impact and something that we could get going in the short term would be our recommendation. I think what we could do is hire a project manager for a business model. I think we could advocate those community benefits. In other words, I think that we could work with a business interest and see what they are and what their plans are and help them with a participation from that. Obviously, there are a lot of key partners that we've identified here and obviously they would have to be involved in the process and I think that would be the second one. And, again, I think we have to look at it and I know we have a new parking czar coming on in the middle of the month and I think that's an important person to get involved in this process but not just the dollars and cents for the parking garage. I think we've got to look at what is the potential it could bring in additional tax dollars if we had the parking facilities and people could renovate other buildings and make it maybe into more of a work location instead of factory location. So, those would be the two recommendations that we would prioritize. If we made progress on that we could come back and look at some of the others. Development Process Review Committee...as I said Gary Long did strategic planning and this is one that Kathy Sullivan has been heading up and obviously the ultimate goal would be to have one stop shopping when people want to come into Manchester whether it's for permitting or other systems. We may not be able to get to that goal but we think there are opportunities to streamline the permitting and the application process and obviously I think one of the important things is one you can have the written documents in there but make sure we look at the client service function as people come in there and look at is as somebody that really wants to help them and make sure we incorporate that. That is in the initial phases I don't think we'd have anything for you on that until early 2007 but again we wanted you to know that that was something that was going on at MDC. The Ash Street School...that has not been turned over to the MDC we don't per se have a role in that so it is not our intention to do that. We're glad that there's been some progress made between negotiations between the City and Amoskeag Industries. I think it's important to get it on the tax roll. If there's some role they'd like us to play we'd be happy to do that but our understanding is that it is primarily going to be Amoskeag Industries that will be working on marketing with some City help to do that. So, we have been concerned that there seems to be a period of time but it seems to be making some progress and I know that there has been some advanced activities into getting a final contract in place. And, the final one, the Incentive Loan Program...I think this is nothing...there's nothing to report, there's nothing brand new on that but it's something that we're trying to keep in the forefront. It's not that we would spend a lot of our cash because we don't have that much of it but at least we've got to be proactive and look for opportunities to help on the Incentive Loan funds to maybe develop some properties downtown that wouldn't otherwise take place. And, the final thing I would say if I would try to summarize our two recommendations as I said are the RFP...to issue that on the JacPac property and see what the developer interest is, explore options for increasing Millyard parking and come back to you in 2007 with

something on the development process. For us it's just ongoing to keep our eyes and ears open and if you folks have some opportunities and recommendations that you think we ought to be involved with on our Incentive Loan fund we'd be happy to do that. That concludes my report but obviously I would be happy to answer any questions anybody might have.

Alderman Lopez stated I just have a couple of questions here. The RFP...I understood that you, Paul Borek, were taking care of that. Now, can you tell me the relationship here?

Mr. Borek stated the Manchester Economic Development office does serve as staff to the Manchester Development Corporation.

Alderman Lopez asked are you guiding the whole project.

Mr. Borek replied we're working together with the MDC Board.

Alderman Lopez stated I know you're working but are you guiding the whole project, are you in control of the project.

Mr. Borek replied yes. We're preparing the RFP and working in concert with the MDC Board and controlling the project. Yes, I would say.

Mr. McCluskey stated I think what we'd like to do is if developers respond...I think they've been drafting the RFP involving a lot of the committees and we've had an opportunity to review the proposed RFP and agree with its content but, I think as the developers come in we'd like to sit...I think we bring a lot of business expertise and will be able to offer some insight once they respond to RFP about what we think would be some of the best opportunities.

Alderman Lopez stated I'm going back to these studies that were done in reference to having an economic developer in the City and staff, which was the prime thing of Mr. Sirak and his wife Linda put this together in a presentation. I think that you're well aware of what I'm referring to...the organization. I'm just a little confused as to the organization here. We've had a whole year that went by and looked at different studies and I'm looking at your previous report. The only report that we received was back in March, which was six months ago as to the approved budget for JacPac which was \$3.496 million and we've obligated \$3.217 million back in January. So, I think we need an update of that particular fund and one of the areas that I was concerned with was the professional expertise that we paid \$70,000 for and what did that get us for JacPac and now we're going out for an RFP. So, those are things I'd like to know a little bit more about but maybe Mr. McCluskey you could answer...MDC has \$1.7 million in their fund, I believe, is that correct?

Mr. McCluskey replied just a little bit less but very close to that.

Alderman Lopez asked do you anticipate using any of this money for JacPac?

Mr. McCluskey replied we haven't decided that. I think one of the things we'd like to see is the RFP proposal because some of the proposals could include them doing some demolition of the building without using it and I think that's one of the debates after we see the RFP. There have been some estimates that it would cost about \$600,000 to tear down the existing structures that were there and I don't think until we hear some of the proposals whether we'd know whether we'd be better off at this point in time to spend the \$600,000 and basically make it a clear site and open it to RFP development or to see the proposals. Right now, we're leaning toward seeing what the proposals are and how they would want to incorporate that. But, there's a potential to use some of those funds.

Alderman Lopez stated we allocated \$100,000 for demolition down there so I don't know if MDC would be required but I think we need to have a clear picture and I think...Alderman Shea last year recommended that we have something like an Economic Committee and I strongly support that more today than probably I did before because it seems as though we're not getting the right information, the correct information and things are taking too long. JacPac's been sitting there for a whole year and something should have been done by now...the RFP's should have been done and all this stuff should have been done and I'm just wondering who's in charge and that's the problem I have.

Mr. McCluskey stated well at least I would say from our point of view I think the City turned over the Hilliard report to us in the late spring and I think that's what we've been doing over the summer is going over that prioritization and came back with the JacPac. I know I toured the JacPac facility in the summer. As I said I think it's a great opportunity now and I think the City made a wise investment and I agree with you that I'd like to get it back on the tax rolls quickly. But, it's something that most cities wouldn't have an opportunity to have 17 acres available downtown for future development so I think it's one that one that we want to proceed with a little cautiously. I agree I'd like to see it move quickly but by the same token it's going to be an important decision.

Alderman DeVries stated since we're talking about the RFP it's my understanding that staff has been involved in the parameters for the RFP including such things as the continuation of park space and riverwalk right along the river. I'm seeing a nod so...

Mr. McCluskey interjected I know that one of the things that we've had is I think it seems to me that you have a conservation easement that goes at least 50 feet and obviously I think it would seem ideal to include the riverwalk and expand it down to that area. That would seem to make some sense to us.



Mr. Borek stated Bob MacKenzie has been involved in our discussions and in our parameters in preparing the RFP including support documentation referencing the riverwalk and the adjacent uses.

Alderman DeVries asked so before this goes out for the RFP are we going to see some of the general parameters that are being placed on that RFP for our review and comment and if not why wouldn't we just to have some idea of parameters that have been determined to be essential on the parcel.

Mr. Borek replied I believe we could certainly share information about the parameters included in the RFP.

Mr. McCluskey stated it's been a pretty inclusive process of trying to get comment from a wide variety of departments and a lot of input before it went out. I think the City has had some experience in issuing effective RFP's so it's not like we come into that without some expertise.

Alderman DeVries stated I understand exactly what you're saying...there may be some discrepancy among us as the Board as to what the area along the Merrimack River should end up looking like...50 feet may be viewed in the eyes of the actual setback required by the Shoreland Protection Act but others may wish to have a little bit wider strip of land along there and I'm just thinking that it would make sense to have consensus of the Board before the RFP goes out on some of those general parameters so that we don't end up shifting gears after a developer has bought into a proposal.

Mr. Borek stated I believe it would be wise to include the wishes of the Board and the staff but I would also want to take care to allow the developers flexibility to be creative and come up with creative solutions like maybe private parkland that would be developed in conjunction with a development and the river together.

Alderman Thibault stated your Honor I'd just like to make a few comments. I've been here a while and I can remember when MDC was GMDC which dates all the way back to Mayor Stanton and I was here then and after Stanton, Mayor Beaulieu, Mayors Wieczorek, Shaw and also Mayor Baines and yourself, your Honor. I really want to say that I don't know where you people get your wisdom in appointing the people on this committee that you have had on this committee for as many years as I've served there. If people take the time to look at this City and where it is today as to where it was 25 years ago when we started this process many of them would have answered their own questions, however, I understand what Alderman Lopez is asking and I think that's a perfect question and I'm sure that if he spent the time with Paul Borek or if he attended one of these MDC meetings on Friday mornings at seven o'clock in the morning or seven-thirty that he would get to hear a lot of these questions and find out his answers. All I'd like to say is let's take the time and not always question

what these committees are doing. These people are doing this on their free time for nothing for the City of Manchester and again go back to where we were 25 years ago and look at where we are today and how many of us, all of us...this Board and some of the other Board's that have been here for 15, 20 years...have all contributed to some extent as to what has happened in this City. Why chastise these people? Why don't we work with them rather than against them? Let's work with these people and make sure that this City progresses the way that it has in the last 25 years and I would just like this Board to take that into consideration when they question some of these people that give us their free time. I can go back to Skip Ashooh and Jay Taylor...how many years has Jay Taylor put into this and many of them not just being paid for as his job but did it as a lay person. We have to look at that and I just think that this Board should know that sometimes we forget that we are not the only guys that decide what goes on in this City...some of the lay people, some of the mayors and the former mayors of this Board have done a good job in appointing these people.

Alderman O'Neil asked can I just get some clarification. I thought we had an agreement the Housing and Redevelopment Authority to carry out tasks. Did we take a vote to authorize MDC to carry out an RFP?

Mayor Guinta replied no. At the present time, I believe MHRA was used for the arms length transaction. The RFP is coming out of the Economic Development Office. I have requested that RFP to be completed so we can move forward and I think MDC is here much like Alderman Thibault talked about to lend its wisdom to try to help this Board make the appropriate decisions as we move forward from this point but there has not to my knowledge been an action to instruct any other entity to do an RFP.

Alderman O'Neil stated for clarification the City of Manchester's putting out the RFP or the Manchester Development Corporation.

Mayor Guinta replied at the moment what I have done is asked the Economic Development Office to craft an RFP. I have to check but I believe it should be the City who probably issues the RFP or MHRA but I'd have to ask Tom Arnold.

Alderman O'Neil stated so we're actually done with the services of the Manchester Housing and Redevelopment Authority relating to this.

Mayor Guinta stated not necessarily. The only thing I've asked is to complete an RFP. I think it's clear that we need to move forward in the development phase of JacPac and the first step is to complete an RFP.

Alderman O'Neil asked the RFP will come from Mr. Borek's office.

Mayor Guinta replied yes.

Alderman O'Neil asked who will actually select the developer.

Mayor Guinta replied I think we need to make that decision but certainly the City of Manchester.

Alderman O'Neil stated what I'm hearing is there's an RFP to go out and it seems like there's still some unanswered questions. I support getting some action there but we've got a few different hands in the pie and I think we just need to make sure where all of this is coming from. I'm hearing MDC but I also think we have an agreement with the Housing and Redevelopment Authority so I'm just looking for some clarification on that.

Mayor Guinta stated at this point I've asked the Economic Development Office to craft the RFP. I think at the same time MDC was coming to report their findings of the reports we asked them to complete earlier this year. So, while they're similar one really has nothing to do with the other in terms of timing.

Alderman Roy stated you gave me the privilege of sitting on the MDC Committee this year and I think I can kind of summarize this for the Board. Right now, the City owns the property. It's in the hands of MHRA as the management overseer of the property and MDC is coming to us and offering the non-political services of the lay people that Alderman Thibault spoke to highly about in an effort to go ahead and move this along. Many of us have been sitting here with that vacant piece of property on the river saying we should be moving along. MDC has also been sitting back saying we helped with the Verizon, we helped with major projects let's get it out of City Hall, let's help with staffing and contacts and review and time and put MDC and the professionals that sit on that Board to work so that they can work to help the City in a non-political environment and I think that, if I summarized it correctly...interrupt me if I'm wrong but they're offering their services now to take on a project and move it forward in an expedited manner.

Mayor Guinta stated thank you for the clarification.

Alderman O'Neil stated I guess I'm confused. How can the City put it out and then give somebody else the power to make the decision? I don't understand that.

Mayor Guinta stated I don't think we're looking to give anyone else the decision-making power.

Alderman O'Neil stated well that's what I'm hearing.

Mr. McCluskey stated it's assistance and I think it's an opportunity for us as the developers come in. I think hopefully we can ask some questions and weigh some things and hopefully

come to you folks with recommendations. MDA serves at your will and I think to reiterate some of the things obviously why I'm here and why we've come in before is we want to work cooperatively with you. That's certainly our objective in why we're here.

Alderman Gatsas stated clarification...correct me if I'm wrong and maybe Tom Clark or Tom Arnold...when we were presented the JacPac situation Mr. Craig was here as the Attorney for Manchester Housing. My understanding is that the property is in Manchester Housing Authority's name, is that correct or incorrect?

Deputy City Solicitor Arnold replied I believe that is correct. I would have to go back and check the records to be sure but I believe you are correct.

Alderman Gatsas stated I would hope it is because Manchester Housing informed us a few months ago or several months ago that they had negotiated a lease with Catholic Medical Center at \$18,000/month that it was \$180,000...I don't know where that transaction is and where those dollars are but at some point I would think...I want to know how the City is going to do an RFP when the property is really in Manchester Housing Authority's name because what we've done in the past is the RFP's have always gone out by Manchester Housing Authority...that arm that we want to claim that gives us a stand back position. Now, if all of that has changed then somebody needs to tell me and I don't know, Mike, maybe you can tell me who invited you to the table...not that I have a problem that you're eating with us.

Mr. McCluskey stated let me clarify. I think what happened is JacPac is included in the Hillier report. The Hillier report you folks did assign to the Manchester Development Corporation. The Angelou report was assigned to Manchester Housing Authority and the request for us was out of those lists of recommendations that I had listed before was to come back and say out of all of those things that are included in the Hillier report what would MDC recommend as the priorities. As I said it's here as a recommendation and we think that JacPac is a high priority to get back on the tax rolls and if an RFP can help start to flush that out...we don't have any predetermined answer. If someone else wants to do it fine. If somebody wants to say hey we want Manchester Housing to do it...we told you that's a recommendation out of Hillier but I think their focus is going to be on projects outside of the zone from Queen City Avenue to Amoskeag.

Mr. Borek interjected if I could explain further. Yes the Manchester Housing and Redevelopment Authority does hold title to the property and we've had discussions with them in doing our due diligence in preparing the RFP and it was their understanding that they are owners of the property and they were instructed to hold and maintain the property until directed further by the City of Manchester. So, any RFP that would be issued and developer solicitation that would take place would ultimately have to result in agreement from the Housing and Redevelopment Authority to transfer the property, which they've assured us

that if that is the wish of the Board they would do and of course a development agreement that would be negotiated would have to be presented to the Board for full understanding and review and approval.

Alderman Gatsas stated I guess my question is that Hackett Hill has been here at least as long as I've been here and there doesn't seem to be a lot of development and I think that we would all agree that the real estate market has taken a little bit of a turn to the other side and if we haven't developed those acres up there in the biggest real estate boom that we've ever seen why do we think that the process that we're in place with is going to change because obviously we should have been marketing JacPac a year ago when there was an awful lot of interest in the real estate development market in Manchester and in New Hampshire. We are now trying to make an attempt when interest rates have gone up to try and market something on a down slope. So, I guess I'd like to see what the RFP's look like before we as a Board are sending them out.

Alderman O'Neil stated I don't want to leave this discussion by Mike or other members of the MDC thinking that their work is not appreciated and/or needed. It wasn't clear to me. I looked at a slide and it said MDC is putting out an RFP that's what the slide said. If it's a 3-way partnership between City government of Manchester, Manchester Development Corporation and the Manchester Housing and Redevelopment Authority I'm fine with that it just needs to be clear who the players are in this thing and that's not what I saw up on there...that's my issue. The MDC is an asset to the City of Manchester. We just need to be clear on this. That's all I'm asking.

Alderman Lopez stated and for my friend Alderman Thibault nobody was chastising MDC. I think the discussion around here is who's on first, who's on second and that's what I was trying to get at. The other Aldermen brought those points out very clearly so for you to say that I don't understand or go to these meetings...I've been to MDC Meetings so I know what's going on so I don't appreciate the remark that you made that I was chastising MDC members because I know all of them and they do contribute to the City of Manchester but we as the Aldermen have to have some type of control in the direction that we're going in. I agree with Alderman Gatsas that it's been over a year and unless we step in as committee to call these people forward as to what's happening we'll get a report like we got in March and that was the end of it. Six months go by and now we're just talking about we don't know who's in charge yet and that's the whole intent of my conversation. Thank you.

Alderman Shea stated my thoughts run along the line that we should find out from the City Solicitor who in fact has the authorization to issue an RFP, come back to the Board at the next meeting and then from there we should take a vote as far as whether we approve or disapprove of that particular process. I would make that a motion, your Honor.

Alderman Pinard duly seconded the motion.

Alderman Gatsas stated certainly I don't have a problem with MDC. In listening to this conversation I thought I might have missed a few meetings and I know I haven't or something was happening that we hadn't heard about. I just have a...I'm looking at real estate transactions that are happening in this City and I scratch my head and say okay it's very easy. If we just say we have a JacPac property, let's bring the developers in and tell us what you want to do. I think we'll get a very clear situation because we all know what the Plaza sold for, we know that we sold the parking garage over there for \$3 million and they turned around and sold it for \$9 million. We understand how those transactions happen. So, I would think that right now with what's happening...we just saw another one in the paper the other day down at the end of Fir Street that sold for \$5.1 million. So, I think there's enough developers here in Manchester that if we said bring us your ideas and sealed bids on what you want to do at the JacPac property I'm sure they'd probably line up and our heads would spin how fast we'd have proposals in front of us. So, I don't know if we have to go through an RFP process because there's an awful lot of big players...there's one player that just bought and paid \$163 million for a project down in Naples, Florida. So, we have them right here in our own backyard I just think we need to ask them if they want to come to the table and play.

Mayor Guinta called for a vote on the motion.

Alderman Gatsas asked for clarity of the motion.

Deputy City Clerk Johnson stated the item is being referred to the City Solicitor for report at the next meeting as to who can issue the RFP.

There being none opposed, the motion carried.

Alderman Gatsas stated I'd like to make another motion that we put it out to the public...that if they want to come in and take a look at JacPac that we should open our doors and let them come in. An RFP is not the same...an RFP is putting guidelines on whoever's going to come in and bid.

Mayor Guinta stated I think at this point if anybody comes to the City they would be going to the Economic Development Office and if there's interest there's certainly a conversation that's had. I don't believe we require a motion.

Mr. Borek stated we have had developers contact us already about the property and we're not turning anyone away.

Alderman Gatsas asked have you had any offers,

Mr. Borek replied not as yet, no.

Alderman Lopez stated if anyone has any proposals and they want to present it they'll present it to the Economic Development Director...thank you.

### **CONSENT AGENDA**

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Ratify and Confirm Poll Conducted**

- A. September 18-25, 2006 accepting and proceeding with an Economic Development Administration Grant Award in the amount of \$70,000 which requires matching funds.  
*(Aldermen Roy, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity and Thibault voted yea; Aldermen Gatsas, Smith and Forest were unavailable.)*

### **Approve under supervision of the Department of Highways subject to the availability of funding**

- B. Sidewalk Petitions – 50/50 Program FY2007.

### **Informational – to be Received and Filed**

- D. Health Department monthly report summary, August 2006.
- E. Minutes of the Mayor's Utility Coordinating Committee meeting held on August 16, 2006.
- F. Minutes of the MTA Commission meetings held on July 25 and August 29, 2006 and the Financial and Ridership Reports for the months of July and August 2006.
- G. Communications from PSNH advising that the NH Public Utilities Commission has issued NHPUC Order No. 24,661 for PSNH to construct and maintain electric lines over and across the public waters of the Piscataquog River.

### **REFERRALS TO COMMITTEES**

#### **COMMITTEE ON FINANCE**

- I. Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 811507 Economic Development Strategic Planning Project.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

- K.** Recommending that a request of the Public Health Director for revisions to Chapter 117 of the Code of Ordinances relative to food establishment permit fees be approved and referred to the Committee on Bills on Second Reading for technical review.  
*(Unanimous vote with exception of Alderman Forest who was absent.)*

### **COMMITTEE ON BILLS ON SECOND READING**

- L.** Recommending that Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 713, Lot 1, known as land on Brown Avenue.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 866, Lot 36, (consolidated from former 141 Broadhead and 142 through 145/half of this parcel) known as land on Brown Avenue.”

ought to pass.

*(Unanimous vote except for Alderman Gatsas who was absent.)*

- M.** Recommending that Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Systems/Programming Manager-Systems/Development Manager, Computer Programmer-Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Senior Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

ought to pass.

*(Unanimous vote except for Alderman Gatsas who was absent.)*

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$70,000 for the FY2007 CIP 811507 Economic Development Strategic Planning Project, and for such purpose a resolution and budget authorization have been submitted.

The Committee notes that matching funds will come from 2007 CIP 611407 Development Coordinator (\$17,500 – CDBG) and from 2006 CIP 610706 Planning Studies Implementation (\$52,500 – one time reserve) and that these amounts are listed for match identification purposes and will be used for the project but will not be transferred.

*(Unanimous vote except for Alderman Gatsas who was unavailable.)*

### **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- R.** Recommending that the Board establish a policy that the retirement health subsidy of retired employees accepted by the City can be applied toward the copay of health insurance in cases of married active and retired employees.  
*(Unanimous vote except for Alderman Garrity who was absent.)*



### **COMMITTEE ON PUBLIC SAFETY AND TRAFFIC**

- U. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.  
*(Unanimous vote)*

### **SPECIAL COMMITTEE ON ENERGY CONTRACTS AND RELATED PROJECTS**

- W. Recommending that the City endorse the Cool Cities program and authorize the Mayor to sign on to the U.S. Conference of Mayor's Climate Protection Agreement to encourage implementation of smart energy solutions.

The Committee recommends that a staff team including Highway, Traffic, Building Maintenance Division, and Recycling Coordinator review materials and report back to the Board of Mayor and Aldermen as deemed appropriate.

*(Aldermen Thibault, Lopez and Long voted yea; Aldermen Forest and Garrity were absent.)*

### **HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- C. Communication from Matt Normand, Deputy Clerk, providing an update to the Board regarding the Neighborhood Enhancement Team activities.

Alderman Shea stated I know that the report...and this concerns the committee, your Honor, that you established. It is working very, very well. In questioning Mr. Normand he indicated that the committee would be in existence for as long as it is no longer required. My point, your Honor, is do you see the committee existing for another year or six months or what? That has a determination, in my opinion, whereby when this committee is dissolved we as a community don't want it to go back to what it was before. I know that at the Traffic and Public Safety Committee I recommended and it was voted that we fulfill the vacancy in the Building Department and possibly have a second Compliance Officer there. The point of the matter is that as long as that Committee is in existence naturally they are fulfilling the responsibilities but once it is dissolved, if it is, or absorbed or no longer in existence then we don't want the City to go back to where it was before. Many of us in certain wards, if not all, are impacted by the fact that we don't have compliance people working. We have different concerns that constituents call us about. We also go around the ward and call it to people's attention. So where do you see this committee going and how long do you feel it is going to be in existence, your Honor?

Mayor Guinta replied thank you for the question. First I want to say that I think it is important to note that this Board is in unison in supporting this effort and I think it has worked in the short amount of time of its existence very well. I want to commend Matt Normand for his efforts and the other members of the group. In my view, this committee should probably never end because I think that there are always going to be issues that have

to be addressed that are quality of life issues and we as a Board of Mayor and Aldermen should always be listening and respecting the will and the wants and the needs of our constituents, particularly when it comes to the safety and security and vibrancy of neighborhoods. That being said, I think they will fill their mission over an extended period of time. I would hope that Boards after this one reiterate the need for the continued effort of the team but it is going to be dictated by a policy board in the future to continue it. So long as I am Mayor they are going to continue because I think it has been already effective and if we want to get a brief update from Mr. Normand we can. Just since the website has been up on Friday I think we have received over 80 hits making inquiries about quality of life issues but it predates that before we had a website up and running. I also think that it is utilizing existing personnel to do the work of the people without negatively affecting the taxpayers. I think there is a double...you are getting the best bang for your buck. We are using great people who work for the City to address taxpayer's issues and we are not costing taxpayers additional money.

Alderman Shea asked for the benefit of the other Aldermen, including myself, if we have a concern now and we used to call Glen Gagne then we should address our concerns to Matt Normand. Is that correct?

Mayor Guinta answered I think at the moment we can go to Matt Normand. I wouldn't want you to ignore Mr. Gagne.

Alderman Shea stated well no but he is part of that Committee your Honor. He is part of the Committee and he has indicated that his particular role as Compliance Officer has been overwhelming. As you indicated, if the number of hits on the website are any indication to the number of problems out there then we have been asking one guy to carry an awfully big load on his shoulders. The point of the matter is that in the future then if we have concerns regarding different situations in our ward then the direct link should be either through Glen Gagne and he can bring it to Matt's attention or to Mr. Normand I guess. Is that what you are indicating?

Mayor Guinta responded in terms of the team we are asking people to contact Mr. Normand through the website or by calling. At the moment that is brought to the entire team and the entire team addresses the issue. That may change over time as the responsibilities of the Committee change.

Alderman Shea replied but at this time he is in charge. I just want to make sure that we are all on the same wavelength here in terms of trying to get help for our constituents.

Alderman O'Neil stated the Neighborhood Enhancement Team may be the most important initiative that we have begun in years. It is great to have formed the team but more importantly will be the results. I think it is important that the departments understand the

importance of this. This is at the highest level as far as I am concerned. We must have full support from all of the departments. If one department fails in this, the whole thing fails and I think it is important that the individuals who are representing the departments know the importance of this. Again, if one of those people fail, the team fails and I think that is very important. The team answers to the Board of Mayor and Aldermen and I believe I speak for my colleagues when I say that failure is unacceptable with this. When we began this discussion Alderman Shea hit the nail on the head. We can put all of the cops out there but this has to do with quality of life and that is why this team was formed – to help improve the quality of life. I would like to suggest that maybe on a monthly basis Matt updates the full Board. It probably doesn't make any sense to send to a Committee because I think every Aldermen, as well as yourself your Honor, has an interest in this. I think it is great that you cleared up that Matt is the point of contact. I think that having multiple points of contact doesn't make any sense. With that being said, I do believe based on the pictures I saw of the situation below Elm Street south of Valley, we need to address something immediately. I don't think...that is a public health issue down there today. I hope before we come off this item tonight that some motion would be made to appropriate funds to clean that up. I read the letter from Matt and we seem to be navigating to a lot of different alternatives. In the meantime, the situation is still there and it should have been cleaned up yesterday to be honest with you.

Mayor Guinta stated I have been...we can do a couple of things. We could get a status report from Mr. Normand or we could wait until the next Board meeting. I know that he is prepared tonight. I think we can also hear from the Health Department because I was notified today that it appears there could be a plan in place that doesn't require at this point an appropriation but just a directive to the Health Department and some other departments to work on a clean-up process.

Alderman O'Neil stated I would make the motion if they need a directive. Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Alderman Shea moved to receive and file the communication. Alderman Forest duly seconded the motion.

Alderman O'Neil asked does Mr. Normand want to brief us.

Deputy Clerk Normand stated as I noted in the letter to the Board we had two organizational meetings for NET - one on August 30 and one on September 14. More to get the whole process of how best to deal with these issues. We went out on inspections on September 20. We did 12 locations. All but one location had legal actions taken against them. I can tell you to date that all but two of those have been resolved. So far it has been effective. The one issue that Alderman O'Neil was bringing up on South Elm Street was discovered during

the previous round of inspections on the 20<sup>th</sup>. The complaint came in as people were lighting fires under the bridge and it turned out that there was a pretty significant homeless population there. Further investigation showed that there were hypodermic needles and it is a mess. There is a lot of trash. Initially when I wrote to the Board we looked into having a professional company come in because of the potential biohazardous material that was there. The initial numbers were pretty staggering but in talking to the Health Department and Tim Soucy, who is here tonight to elaborate if need be, we think that it can be down in-house with the staff that is involved on the team and rectify the matter.

Alderman Duval stated so that we can properly plan for the future, I think it would be good to have as part of a report the amount of time that is being expended with this Task Force from the various people in the various departments. I commend the team for its efforts but I think we should be at least aware of the time that is being taken away from other projects that are part of the normal daily activities just so we are aware of it and can plan for the future. As Alderman Shea pointed out, in the event that this goes on in perpetuity, which the Mayor suggested tonight, then that is something for us to consider for future planning.

Mayor Guinta called for a vote on the motion to receive and file the communication from Matt Normand. There being none opposed, the motion carried.

- H. Communication from Attorney William Squires advising that Advanced Recycling, 399 Willow Street, will be filing an Application Form to Transfer a Solid Waste Management Facility Permit with the NHDES.

Alderman Roy asked Frank Thomas to come forward. This is the Advanced Recycling application form to transfer a solid waste management facility permit with NHDES. Will this have any impact on our ongoing efforts with our recycling program?

Frank Thomas, Public Works Director, answered no. It is an existing facility and basically the name on the permit is changing. The property is changing hands.

Alderman Roy asked so there is no change of business status and no infringement upon what the City is already accomplishing.

Mr. Thomas answered that is correct.

On motion of Alderman Roy, duly seconded by Alderman Duval it was voted to receive and file the communication.

**Report of Committee on Administration/Information Systems**

- J. Recommending that property tax relief increases for the elderly, blind, disabled and Veterans meeting statutory requirements be approved as follows:

From To

Exemptions effective April 1, 2006:

<i>Elderly Age between</i>		
65-74	\$70,000	\$133,700
75-79	\$95,000	\$181,450
Over 80	\$125,000	\$238,750
<i>Disabled</i>		
	\$90,000	\$171,000
<i>Blind</i>		
	\$90,000	\$165,600
<u>Exemptions effective April 1, 2007:</u>		
<i>Veterans</i>	\$300	\$400
<i>Asset Limitations for all Elderly:</i>		
Single	75,000	75,000
Married	75,000	100,000
<i>Income Limitations for Elderly</i>		
Single	\$27,500	\$32,000
Married	\$38,500	\$45,000

The Committee notes that such recommendations are based on review following revaluation information presented by the Board of Assessors and appropriate Resolutions have been submitted for adoption.  
(Unanimous vote with exception of Alderman Forest who was absent.)

Alderman Gatsas stated I guess I am asking the question...I believe we passed enabling legislation this year that would allow us to change, within the elderly age brackets, the asset limitation and income limitation and they don't all have to be the same. Now my understanding is that is not the understanding either by the City Solicitor or the Assessor. Is there a different understanding than mine?

Thomas Arnold, Deputy Solicitor, stated after having examined the legislation involved and the statute involved yes we think that although the statute authorizes different income levels for the different age groups it does not authorize different asset levels for different age groups.

Alderman Gatsas asked so would you like the Attorney General to give you a clarification of that RSA.

Deputy Solicitor Arnold replied I am always willing to listen to the Attorney General. I understand from the Assessors that the Department of Revenue Administration's interpretation is in accord with the one I just gave you. As I said, I am always willing to listen to the Attorney General.

Alderman Gatsas responded I certainly don't have a problem having the Attorney General send that off to the DRA also to make sure it is perfectly clear because the legislation that was passed last year was enabling legislation to allow that to happen within a community if they so desired. With that, your Honor, we can move this report and I will get the letters from the appropriate bodies.

Alderman Long duly seconded the motion to accept, receive and adopt the report.

Alderman Roy stated while we are getting the information from Alderman Gatsas, will this impede our going forward and sending any forms to the DRA. I guess that is a question for Finance.

Randy Sherman, Deputy Finance Officer, stated this wouldn't impact the Finance forms. It would impact the forms the Assessors send in so you may want to ask David.

Alderman Roy stated David we need to file those forms, I believe, by the end of October and I am sure you are already working on them. Is this going to impact that?

David Cornell, Assessor, responded the form that we send to the DRA is the MS-1. On the MS-1 form we give the number of the people who qualify for the elderly exemption and the amount. This particular issue won't take effect until 2007 so the change to the income and asset limit would not hold us up for this year.

Alderman Gatsas stated just a clarification on where I was coming from. Let's assume that the City wanted to remove asset or income limits for anyone over the age of 80 or put it so the most they pay is 50% of their tax. My understanding is that we as a community have enabling legislation to allow us to do that. What we are hearing, and I am not suggesting that we do it, but I want to make it clear that if it is there and we so choose as a body to say it doesn't matter what your income level is or your asset level is if you reach the age of 80 in the City of Manchester you don't have to pay more than 50% of your tax or 25% or 75%, whatever we as a body decide.

Alderman Lopez stated David while you are up there I had two calls and maybe you can explain why Head of Household doesn't qualify. They are watching TV tonight and I told them I would ask you that question.

Mr. Cornell responded the Head of Household, what that is describing is property relief from the state, which is a separate program than the elderly exemption that we have locally here in the City.

Mayor Guinta called for a vote on the motion to accept the report. The motion carried with none recorded in opposition.

**Report of Committee on Bills on Second Reading**

N. Recommending that Ordinances:

“Amending Section 33.054 (B) (2) (Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.076 (A), Special Leave of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.080 (A) (1) Military Service, of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.062 (D), Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

ought to pass.

*(Alderman Duval, Garrity, Pinard in favor. Alderman Lopez opposed. Alderman Gatsas was absent.)*

Alderman DeVries stated I’ll start with the ordinance affecting the overtime compensation/comp time Code as it came out of Committee and ask for a clarification first from the HR Director whether, since on the existing ordinance it specifically calls out that our exempt employees would not be eligible for overtime, since that is being stricken will that make all of our department heads and exempt employees eligible for overtime and comp time.

Virginia Lamberton, Human Resources Director, responded the answer to the question is that the header for this ordinance is overtime compensation for non- exempt salaried employees and so this amendment comes under the header of overtime for non-exempt employees so it’s all about non-exempt employees not exempt employees.

Alderman DeVries stated I’m not seeing the header that you are referencing.

Ms. Lamberton stated because you don’t have that. If you turn around I’ll show it to you. It’s in the ordinance. It is in the beginning of the ordinance and then following down here is (2), which I am recommending be amended.

Alderman DeVries stated then a clarification. In the old ordinance that was under the same category why did we have to spell out the final sentence all overtime work beyond 40 hours?

Ms. Lamberton stated I have no idea. It’s just very wordy and the ordinance I’m proposing is much simpler a language frankly.

Alderman DeVries asked the exempt employees as recognized by IRS, is that going to complicate any of our interpretation of exempt employees with the City of Manchester.

Ms. Lamberton responded no. No effect whatsoever.

Alderman DeVries asked they are in 100 percent agreement – the classification between the IRS...

Ms. Lamberton interjected we believe we are in compliance with the IRS Fair Labor Standards Act as far as who is exempt and who is non-exempt. The only way that we would find out that we are out of compliance is if somebody filed a complaint.

Alderman DeVries stated the new compensatory time paragraph that has been drafted. The second sentence says the department head shall determine whether it is in the best interest of the department to pay an employee for overtime, or to allow the employee to accrue compensatory time. My interpretation of that sentence would be that if a department head has a tight budget and doesn't wish to pay overtime he can insist that an employee take compensatory time rather than pay overtime.

Ms. Lamberton stated that would be one scenario. Another scenario might be that the employee already has some compensatory time and to work more would exceed the ordinance.

Alderman DeVries stated I'm not sure I agree. I'm not sure the rest of the Board caught that, that the department head would have the full determination whether they wanted to pay overtime to an employee, say for plowing snow or whatever. That's a major shift in direction for this City to take from past policies. I would suggest that a very simple insertion into that sentence that says that the department head will determine whether it's in the best interest of the department to pay the employee for overtime or if agreed to by an employee to allow the employee to accrue compensatory time. That way there wouldn't be a demand that they take time off rather than be paid overtime. It would have to be an agreed upon scenario, which would be consistent with our policies as we have them today. I would move that we change the language within that sentence.

Mayor Guinta stated before I accept the motion I want to hear the response.

Ms. Lamberton stated two things. I certainly wouldn't have a major issue with that but the fact of the matter is that these ordinances typically do not apply to employees who are covered by collective bargaining agreements. I've looked through every single collective bargaining agreement to see if they had any language about compensatory time. The only contract I found that allows for compensatory time is the Health Department, and there is specific language about compensatory time for the non-exempt employees in there. All of the other collective bargaining agreements simply talk about payment of overtime, which is money not comp time.

Alderman DeVries stated I understand that this is covered by collective bargaining agreements, but this is the beginning of a trend and frequently we hear from you that there is supposed to be consistency in the way we treat our employees whether they are covered by collective bargaining or not. So if we are setting a trend now with our unaffiliated employees, it could translate in the future to the affiliated in the way of pressure put at the



bargaining table. So I still don't think it is a good policy for us to be adopting and I would ask that we change the language to be consistent with the policy the way that it has been for many decades.

Alderman Garrity stated I just want to respond to my colleague. She used the term employees plowing streets. This does not pertain to the folks that plow our streets I think it's a little disingenuous to make that statement.

Alderman Lopez stated I think when things are simple and being around here interpretation once its down in writing the ordinance that we adopt is pretty hard to change and it's a long process so I sort of agree with Alderman DeVries that some of the language here if we don't spell this out then it leaves doubt as to what the intent was for future Boards. I can't vote for this particular item the way it is written because I believe it's not right. I believe we have to spell it out. There was a reason that it was spelled out before and I believe it was spelled out properly before. I think that it's going to lead to a lot of confusion. I think that people that are exempt are going to keep track of their time and walk in and say I'm 80 hours overdue so unless we spell it out in the ordinance then that's the only way I would approve it.

Alderman Duval stated question for Ms. Lamberton. I know you were just confronted with the alternative that Alderman DeVries has presented. Can you tell me if you are inclined to support that, or do you have a differing viewpoint?

Ms. Lamberton stated I just don't think it's as confusing as some people do. The non-exempt employees, who...most of the departments that do not get money for overtime are the non-affiliated. The affiliated departments have money and so in my office I don't have a line item for overtime so if I have a major project that has to be done and I have to have people that are non-exempt working beyond the basic work week the current ordinance tells me I have to give them that time off by the next week. Well if the project is a three week project, I'm out of compliance with the ordinance because the ordinance then goes on to say I have to pay them but I don't have any money to pay them, and it's time worked. I can't take that time away. All I am proposing is that if in fact a non-exempt employee has to work overtime and the department doesn't have the money for that or ran out of money for that, then they would be entitled by compensation by federal law and we can let them accrue up to 80 hours but we can't go beyond that.

Alderman O'Neil asked did this happen some place. Generally things just don't happen unless a situation comes up.

Ms. Lamberton stated I thought frankly since I have been here I have been meaning to do something because I thought the ordinance was odd and I was concerned about just what I said to Alderman Duval.

Alderman O'Neil stated so to the best of your knowledge has there been a problem other than you think the ordinance is odd. Are you aware of a specific department that has had an issue with this?

Ms. Lamberton stated if they have they have not shared that with me.

Alderman O'Neil stated it is confusing. I agree with Alderman DeVries that it leaves some wide interpretation and I have concerns with it. I don't know if we should send it back to Committee to clean it up or what we do.

Alderman Gatsas stated I ask my colleagues to read, if they think this is confusing, then what they need to do is read the paragraph above it, which is now the ordinance. If they think the bottom one is confusing then they should tell me how an employee even has a clue what they are entitled to in the one above it. Basically what this ordinance does is clean up a situation that when you read it, it doesn't make any sense. This gives the latitude to the department that says that you can accrue time and you don't have to get it by the next week. You can accrue up to 80 hours and if you want to do it in five weeks when the work of the department has calmed down you can do that, but if you read what it says above there is absolutely no action that the department head can take other than letting them take the compensation the week after and as Ginny just said if it is a three week project I don't know how you do that cause you will never get the project done. So I ask my colleagues, because we wrestled with this same situation in Committee, and when it first came to us it didn't make sense until you read the one that is currently the ordinance.

Alderman O'Neil asked would you agree with the clarification or amendment that Alderman DeVries suggested. Because even reading the proposed amendment it appears to me that the employee doesn't have a say and I think what Alderman DeVries has suggested is that the employee has to have some say.

Alderman Gatsas stated I think he has no say in the one above it that exists now.

Mayor Guinta suggested a motion to refer back to committee. I don't know that we should be making some serious technical changes at this level.

Alderman DeVries stated I agree that it is the right motion to refer this back to Committee but the final line of the old ordinance was clear that all hours worked beyond 40 hours would be paid at time and one-half and I think the deletion of that sentence in the new ordinance is what's causing the confusion for us. So I would make a motion to refer this back to committee.

Alderman Forest seconded the motion to refer the item back to committee.

Alderman Shea asked what committee.

Mayor Guinta stated it came out of Bills on Second Reading so it would go back to Bills on Second Reading.

Alderman Roy stated we have had Aldermen on this Board disagree as to who is affected and who is not affected by this change. If, when it goes back to Bills on Second Reading, the Human Resources Director could just include the whole ordinance. There is language above this section that is being changed that may smooth out some of the issues that are being talked about but if we could have a list of who is an effected employee. I got calls that this would effect department heads and if you read the whole ordinance it specifically states no department heads so if when we get back to B2R if we could get the whole ordinance it would be helpful.

Alderman DeVries stated before we refer back to committee I also wanted to refer back the Special Leave ordinance with it and the reason that I would like to send that back is that the Mayor is being taken out of the approval process. I'm not sure that is prudent. I think that your Honor you should be partaking in that ordinance when that privilege is being given to an employee to have a special leave. I am also suggesting that the 90 days be reduced to 30 days for the reasons that Alderman Lopez outlined in a letter to the Board that you could in fact have 90 days at the end of one year given with 90 days at the beginning of the next calendar year and end up effectively with half a year off work. That, in my mind, raises the possibility that a department head should be able to defend that position if he can afford to have it vacant for half a year. I would like to refer this back to Committee

Alderman Lopez moved to the amendment.

Mayor Guinta requested the Clerk clarify the status.

Deputy City Clerk Johnson advised that the initial motion on the floor was to refer the first ordinance listed back to the Committee on Bills on Second Reading. There has been no vote taken on that. It has been my understanding that Alderman DeVries wanted to add on a second ordinance, which would be an amendment to the current motion on the floor, and Alderman Lopez is seconding that amendment.

Alderman Duval asked referring back to Bills on Second Reading or Human Resources Committee.

Deputy City Clerk Johnson stated the motion on the floor was Bills on Second Reading.

Alderman Duval asked if there was going to be further work on it shouldn't it go back to HR Committee first. Point of clarification. It's fine to go back to the Committee I chair but shouldn't it start with HR and then go to B2R?

Deputy City Clerk Johnson advised if it goes back to HR then it comes back out and has to go back into B2R. Perhaps B2R could ask HR to join them that evening.

Alderman Gatsas asked does it then have to go to a public hearing.

Deputy City Clerk Johnson stated no.

Alderman Duval stated I would appreciate it because I think it is a very astute observation on the part of my colleague from Ward 8. I think what I would like to see, Alderman DeVries, is to put it exactly the way you said it tonight in terms so that we can hold it up to what the HR Director has put before us.

Alderman DeVries suggested she would just share her language with the Chair of Bills on Second Reading.

Mayor Guinta called for a vote on the amendment to the motion to include referring the first two ordinances back to the Committee on Bills on Second Reading. There being none opposed, the motion carried.

Mayor Guinta called for a vote on the main motion as amended. There being none opposed, the motion carried.

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to accept the balance of the report as amended to included the Military Service and Part-Time Employee Ordinances as ought to pass.

**Report of the Committee on Bills on Second Reading**

O. Recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

ought to pass as amended.

*(Unanimous vote except for Alderman Gatsas who was absent.)*

Alderman Roy stated this item received quite a bit of conversation. A number of people have given us written testimony and we received, I believe, 200+ pages of reports and I would ask the Board that we table this to give it more time and maybe bring it up at our next Board meeting.

Alderman Duval duly seconded the motion to table.

Alderman O'Neil stated I don't necessarily disagree with tabling it but if we are going to table it what specific things do we need to do in that timeframe. If I may ask my colleague that?

Alderman Roy replied I would look for the opportunity to review the documentation given this evening and open up a written comment period through the Clerk's Office that people who do believe there would be a financial impact to their properties can put it in writing. I would also like to see...I have heard rumors of gas tanks leaking and other rumors that it was 20 years ago. I haven't gotten a lot of facts and that is what I am looking for. Written facts. What are the DES problems, where are they and will this solve them?

Alderman O'Neil responded I would agree with Alderman Roy that there has been a lot of information and it hasn't all been correct. I spoke with Tom Bowen yesterday and he cleared up and presented me with information that there are actually only two stations that have had violations and have a monitoring program whereas you see things in the paper where Tom is quoted as saying there are three or four of them. I don't think Tom ever said that and he has the documentation to clear that up. There also appears to be...I met with some of them yesterday, a great confusion on what this public process was going to be. They seemed to think that the Bills on Second Reading meeting was going to be an interactive session between the public and the staff and I said to them that is not usually what goes on. I think Alderman Duval allowed a little more than what normally goes on. Maybe we just need to make sure that we understand completely their concerns. I know in the case of one of the property owners maybe there needs to be some clarification working with Mr. MacKenzie to clarify what actually can be done and can't be done. I have heard crazy numbers on the amount of units that can happen or can't happen. This was a difficult issue. I think we all, including the people who own property on Candia Road, are supportive of what we can do to protect the lake but this is that balance of environmental protection versus land owner's rights and we need to make sure we handle this right. I support tabling it for a couple of weeks to get some of these items cleared up and then hopefully we can take a vote on this.

Alderman Gatsas stated I do object to the tabling motion. I would rather see it go back to Bills on Second Reading because the question that I asked of the Mayor is that people wanted to ask questions of both the Water Works and Planning Directors.

Mayor Guinta replied I said it could happen.

Alderman Gatsas responded right you said it could happen but I don't think...I know the Chairman allowed a broad range but I don't think it was a question and answer period that was allowed. I don't think people in the audience were allowed to ask questions and have Water Works respond. Now I could be wrong.

Alderman Duval stated as Chairman of B2R I can say that we allowed pretty significant latitude at the Committee meeting. Let's go back a bit because at the public hearing on the matter that was held the Mayor encouraged further input and dialogue between those that had expressed concerns relative to the change in zoning and sort of encouraged bringing the parties together. I am speaking of Mr. MacKenzie and Mr. Bowen and I think they convinced us at the Board meeting a couple of weeks ago that they had given an opportunity to those who had spoken in opposition to get more information and respond to their concerns. It looked like there was a pretty thorough response to the inquiries that were made. We also allowed a public session before the start of the meeting as well. That being said, I see no problem giving an extended period of time to get those concerns aired even further. I would propose 30 to 60 days. I would have no problem with that and I would encourage Alderman Roy perhaps to amend his motion to put as much time as he thinks is appropriate. We don't want to give the impression that we are rushing this on one hand and on the other hand there has been some extensive research done and effort put into this by Mr. Bowen and we certainly do trust his judgement.

Mayor Guinta stated at the moment there is a motion to table and it has been seconded.

Deputy City Clerk Johnson stated then there was discussion about a public comment period to the Clerk's Office.

Alderman Roy withdrew the tabling motion. Alderman Duval withdrew his second.

Alderman O'Neil asked any idea how we can set-up a process for people to...is it in writing or a public session of some kind.

Mayor Guinta stated I would defer to the Clerk or Solicitor for a recommendation.

Alderman O'Neil asked your Honor do you agree that the public thought there was a certain process...

Mayor Guinta interjected yes. I specifically said at the BMA meeting that the public should have an additional opportunity to speak on this because there has been...I don't think there has been a cohesive communication between the City and the people who want to speak out on this issue. I narrated my support for having some session, whether it is a Committee meeting or otherwise, for the public to have an opportunity to talk and I even said

specifically to Tom Bowen because there were clearly questions. If that hasn't happened, that should happen before this Board takes a vote.

Deputy City Clerk Johnson stated we conferred in the back here and the suggestion is that the Board table the item this evening for a period of 30 days and during the interim there will be a neighborhood meeting held with Water Works, Planning and the parties to allow them to ask questions of the Planning Director and Water Works Director and a report will be provided to the Board.

Alderman Lopez stated I agree with that. These are all of the documents that we have to read but we need all of the experts there on both sides so we can get the true facts. This is out of our territory to a degree because there is so much there from the DES and everything. If we have a neighborhood meeting and everyone is notified and all of the experts are there hopefully the questions can be answered once and for all.

Alderman Garrity moved to table the ordinance. Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Gatsas, Shea and Pinard duly recorded in opposition.

Alderman O'Neil stated no one did anything wrong here. It is just that this is a very unique situation and I can't say I have ever come against anything like this in my time here. City staff did everything right. The residents and the property owners have done everything right. It is just a very, very unique situation and I think by taking that extra step we are covering everything.

Alderman DeVries stated the only clarification that I would like would be either Planning or City Solicitor to say if somebody put an application in today for a variance on the property would that then allow them the grandfather status before the ordinance was adopted.

Deputy Solicitor Arnold stated since the proposed change has been posted under state statute the Building Commission would not be authorized to issue any permit and it would not have grandfather status.

Deputy City Clerk Johnson stated the only other thing we wanted to clarify is that the Clerk's Office would notify the smaller listing of area neighborhood property owners that had been notified about the Bills on Second Reading information so you don't think there are 1,800 letters going out.

**Report of the Committee on Human Resources/Insurance**

- Q. Recommending that the current Parking Meter Supervisor be reclassified to a Parking Meter Technician and that the incumbent in such position be red-lined until such time as the salary grade levels are equivalent.

*(Aldermen Gatsas, Shea and Pinard voted yea; Alderman Garrity voted nay; and Alderman Duval was absent.)*

Alderman Garrity stated I was opposed in Committee and would like to be recorded as such at the Board level.

Alderman Long moved to accept, receive and adopt the report. Alderman Roy duly seconded the motion.

Alderman O'Neil stated I want to make sure I am reading this right and I apologize that I didn't contact anyone before the meeting. The incumbent is red-lined now? Is that how that reads as opposed to if they leave somebody else comes in that position and they would be at a lower grade? Am I reading that correctly?

Alderman Garrity responded the reason I was opposed to this in Committee is we are basically paying this person to be a supervisor and he supervises nobody. This person is at the top of the scale to collect money out of the meters and he supervises nobody. That is my issue with it.

Alderman Shea stated I think at the time we indicated that that person has about 15 years of experience and to put that person in a situation...and I think Ginny can address that.

Ms. Lamberton stated I think the employee has been around for about 14 years. What I was proposing is that the individual's salary would be frozen like we have done with other people whose positions have been reclassified downward. He would not get any increases in pay until such time as the labor grade that he is functioning at, which is a 12, caught up to his current salary. Once that happened if there were any increases in pay he would receive those increases in pay. Until then, he is frozen or red-lined as some people refer to it, at his current salary.

Alderman O'Neil stated I am confused though. The Committee voted in favor of Ms. Lamberton's recommendation?

Ms. Lamberton responded that is correct.

Alderman O'Neil stated I don't understand why Alderman Garrity was against it.

Alderman Garrity replied I voted against it because this particular person was at a supervisor's pay and we are keeping him at his current level and he supervises nobody.

Alderman Forest stated I do have one question. Seeing that we hired a Parking Control Manager, which starts on the 16<sup>th</sup> and I believe she might revamp some of this by taking the supervisor's position away from this person what happens if the Parking Control Manager



decides he wants a parking supervisor for the meters? Do we have to go through it all over again?

Ms. Lamberton asked may I respond to that. On May 2, the Board approved an organizational structure for this Parking unit. The approval was a Parking Manager at salary grade 25, an Administrative Services Manager at labor grade 16 and two Parking Meter Technicians at salary grade 12's. So we have a 25 supervising a 16 supervising two 12's. If we don't reclassify this position, we will have a 25 supervising a 16 supervising a 15 who is supervising a 12. I doubt very much that a new Parking Manager would see that as a necessity. However, if she does she certainly can come back and go through the process as any other department head to have the positions reclassified to meet her needs.

Mayor Guinta called for a vote on the motion to accept the report. The motion carried with Aldermen Garrity and Forest being duly recorded in opposition.

**Report of the Committee on Public Safety and Traffic**

- S. Recommending that the City hire a Compliance Officer to support the Building Department.

*(Unanimous vote with exception of Alderman O'Neil who was absent from vote.)*

**Report of the Committee on Public Safety and Traffic**

- T. Recommending that the City hire a Compliance Officer to support Solid Waste issues for the Highway Department.

*(Unanimous vote with exception of Alderman O'Neil who was absent from vote.)*

Alderman Lopez stated I just pulled this off and if it is okay with you can we take Items S and T at the same time because we have this Neighborhood Enhancement Team that is going around at the present time and these are two brand-new positions and I know that some of the Aldermen, in talking to them, feel that they are needed. I think we have six individuals out there doing some of the work now and I was just wondering if we could either send this to the HR Committee or table it for now and let the Committee work a little bit and give us some type of recommendation. Maybe there are some other employees that we can add a job description to them. I am just bringing this up because if we approve these two positions, we have to figure out where we are going to get the money and all of that stuff. I just wanted to bring that to your attention.

Alderman Shea stated I did bring up the Compliance Officer not knowing what the extent of the Committee and the length of it would be. Basically if the Committee is going to fulfill that responsibility then as far as Item S is concerned that is fine with me. I had no way of knowing when we met at the Traffic Committee that the NET Committee was going to be in existence forever. If that is the case then that is fine. I know that Alderman O'Neil did mention that there is a vacancy at the Building Department so if I can defer to him he can probably explain that situation.

Alderman O'Neil stated my understanding, your Honor, is that there is a vacant Code Enforcement or Zoning Enforcement position. I think it became vacant through some internal promotions and I don't know if it was last year or prior to that.

Mayor Guinta responded that is different than this. This is adding a position.

Alderman O'Neil stated I wasn't at the Committee meeting when this vote was taken so I am not 100% sure but based on the conversations we have had tonight regarding the Neighborhood Enhancement Team maybe we need to give that a little time to work. I don't disagree that some of this may be needed down the road but maybe we need to let them do their job for a little bit.

Alderman Duval stated I am in agreement with Alderman O'Neil. I would appreciate input as we go along from that team so we can make a better informed decision down the road with regards to this request.

Alderman Roy stated this came out of the Committee, speaking of the Solid Waste Compliance Officer. I am all for the Neighborhood Enhancement Team. I am all for cleaning up the quality of life for the City but when we look short-term and make comments about there being no impact to the taxpayer, we are paying the people on that NET team to do not only their existing job but take time from their existing job and go out and perform a duty as part of the NET function. Looking long-term I personally believe that we need full-time employees that are accountable and have responsibility and would have the backing of the NET team to go out and make these changes in the City. Just to give you one example of how this, in my opinion, would affect the taxpayers we right now have \$783 million in tax base for the 217 apartment buildings. If that changes by 2% in a decrease, that is a change of \$15 million. That translates to almost \$300,000 of tax revenue for this City. We are now required by the state to do a revaluation every five years. The slightest decrease or a modest increase would more than pay for these two positions, which I believe are full-time accountable positions that would do what the NET team is doing and assist the NET team and work with them and allow the NET team to not only be as effective as they are one or two or four days a month, but have someone working 40 hours a week to improve and carry out some of the things that they are trying to do as a NET team. I don't want it to replace the NET team. I think that is fantastic. I just believe that we need someone accountable and when we talk about taxpayers, a \$300,000 revenue loss by a slight decrease in property values in just the apartment category would more than pay for these two positions. Thank you.

Alderman Lopez asked is Leon here and can he come up for a minute. I just want to make sure...the latest report I have shows that you are short one Housing Inspector. Is that correct?

Leon LaFreniere, Building Commissioner, answered the title of the position is Housing Inspector. We have actually made an adjustment to the class specification to that position. This position that is actually vacant would be a compliance or enforcement position. This is not one of our regular certificate of compliance inspectors per say. The position that is vacant is exactly the position that we would assign to this NET team function if that position is filled.

Alderman Lopez asked Alderman Roy is the Compliance Officer to support the Building Department the position that he is short.

Alderman Roy answered no I believe we are talking about two different positions. A Compliance Officer to support the Building Department is the position he is short and either we add one or hire the vacant position but we need more than one person doing that job, I believe. You have Glen as your sole person?

Mr. LaFreniere stated currently we have our Zoning Inspector and one of the Housing Code Inspectors assigned to this task. I haven't yet been able to fully assign the Housing Inspector but in both cases the compliance function is taking away from other responsibilities and other things are not getting done, including the certificate of compliance program as well as the zoning compliance efforts through the zoning review and development review process.

Mayor Guinta asked Alderman Lopez would you consider taking Items S and T separately and making a motion in favor of S and waiting on T.

Alderman Lopez answered yes I would but I am talking about Item S right now for clarification. Leon, was this the position that you are not funded for that you brought to us at the budget hearings?

Mr. LaFreniere responded going through the budget process we did not end up with the funding for this position. Through a vacancy we had we have made up some of that but we still have a deficiency in the budget to be able to hire this position should we get approval.

Alderman Lopez asked your Honor how do you feel about this. With the contingency money and the problems we have do you want to weigh in on this?

Mayor Guinta answered I think if you want to move forward on Item S we may be able to find a way to pay for that. Item T, I think, my recommendation would be to wait because I think the team itself is working very well and I am not sure that at the moment you need that position.

Alderman Lopez moved to accept, receive and adopt Item S recommending that the City hire a Compliance Officer to support the Building Department. Alderman Shea duly seconded the motion.

Alderman O'Neil asked is there a possibility based on where a lot of this effort will be that it could be CDBG money.

Mayor Guinta answered possibly.

Alderman O'Neil stated I want to think, Leon, when we had the and I believe we called it concentrated code enforcement or something back in the early 90's it kind of made up part of this team and it was a CDBG funded position if I recall.

Mr. LaFreniere responded that is correct and that position eventually became a City funded position.

Alderman Osborne asked Leon so this will take care of what I brought in to my Committee or what I called you personally about, which was the Glen Gagne situation where he needed help. I started this whole thing off. You remember that right?

Mr. LaFreniere answered yes I do.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

Alderman Lopez moved to table Item T recommending that the City hire a Compliance Officer to support Solid Waste issues for the Highway Department. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Roy, Long, Shea and Forest being duly recorded in opposition.

**Report of the Special Committee on Energy Contracts and Related Projects**

- V. Recommending that a plan to terminate the Aggregation program be approved as follows:

- 1) the Enterprise Funds pay back their share of the Aggregation program by the end of FY2011;
- 2) the General Fund will pay back its share by the end of FY2011; and
- 3) the City will enter into negotiations with the School District to develop a plan to pay back its share of the Aggregation program by the end of FY2011.

*(Aldermen Thibault, Lopez and Long voted yea; Aldermen Forest and Garrity were absent.)*

Deputy City Clerk Johnson stated the Clerk just wanted to note that we did distribute a replacement report that included reference that the plan to terminate the program will initiate in FY2007 over five years. With that, we would ask for a motion to accept that report.

On motion of Alderman Thibault, duly seconded by Alderman Forest it was voted to accept, receive and adopt the report of the Special Committee on Energy Contracts and Related Projects.

Mayor Guinta presented the following nominations:

**Trustees of Trust Funds**

Saheed Dahar to succeed Matt Lapointe, term to expire January 2008

**Labor Representative to the Safety Review Board**

Mark Montville to succeed Mike Rockwell

Mayor Guinta noted that the nominations will layover to the next meeting pursuant to Board Rule 20.

**Confirmation of nominations to the Conservation Commission:**

Louis D. DeMato to succeed Todd Connors, term to expire August 1, 2009; and  
Todd Connors to fill a vacancy as an alternate, term to expire August 1, 2008.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil it was voted to confirm the nominations as presented.

**Confirmation of nomination to Office of Youth Services Advisory Board:**

Confirmation of Richard Anagnost to succeed Matthew Lapointe, term to expire,  
January 1, 2008.

On motion of Alderman Thibault, duly seconded by Alderman Lopez it was voted to confirm the nomination as presented.

Deputy City Clerk Johnson stated the Clerk would note that in relation to that Item that Item 35 on the Board's agenda be removed from the table.

Report of the Committee on Community Improvement recommending that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307 JFK Coliseum Rehabilitation Project.”

be approved with the Facilities Division involved in leading the project.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to remove this item from the table.

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to refer the Bond Resolution to the Committee on Finance.

On motion of Alderman Gatsas, duly seconded by Alderman Roy it was voted to recess the regular meeting to allow the Committee on Finance to meet.

### **OTHER BUSINESS**

A report of the Committee on Finance was presented recommending that Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand dollars (\$70,000) for the FY2007 CIP 811507 Economic Development Strategic Planning Project.”

ought to pass and be Enrolled; and further recommending that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project.”

ought to pass and lay over.

On motion of Alderman Forest, duly seconded by Alderman Garrity, it was voted to accept, receive and adopt the report of the Committee on Finance.

Report(s) of the Committee on Human Resources/Insurance, if available.

There were no reports of the Committee on Human Resources/Insurance.

A report of the Committee on Public Safety and Traffic was presented recommending that the residential parking permit program be extended to include 1382 to 1414 Elm Street and 1426 to 1470 Elm Street, and for such purpose an ordinance is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review.

*Aldermen O'Neil, Shea and Long in favor. Alderman Osborne opposed. Alderman Roy abstained.*

Deputy City Clerk Johnson stated we would also note that as requested at the Committee on Public Safety and Traffic, there is a report from MEDO regarding the revenues in that residential zone that is included in the communication from our office of October 2.

Alderman Osborne stated being Chairman of the Traffic Committee I just wanted to explain to the Board this particular item on Elm Street. Basically there were three of us who voted on this. I think Alderman Roy abstained and Alderman O'Neil was absent so it was a 2-1 vote. I just want to get everybody clear on this. This particular parcel of land sits on Elm Street, which has 68 units in it. It is right across from the old Sears building roughly. It was brought before the Committee and of course I was opposed to it because I think what we are doing here is opening a can of worms for the rest of Elm Street and probably off to the side streets as well, if not into our wards. If we let this keep going as permit parking and make it private parking rather than public parking, we are going to have a lot to answer to to our constituents or the rest of Elm Street. Every business on Elm Street, I think, would like to have their own meters in front of their businesses along with the residents who live on top. I am strongly opposed to this. I think it is going to create a lot of problems here in the future. I recommend that this actually not even go to Bills on Second Reading. I make that motion and I would like a roll call.

Alderman Forest duly seconded the motion.

Deputy City Clerk Johnson asked can we just clarify. Is he moving to deny the report?

Alderman Osborne answered yes.

Alderman Forest stated I would like to make a comment on it. This has been brought up before the Traffic Committee in the past – this particular block on Elm Street. Again, I agree with Alderman Osborne as far as opening up a can of worms to the neighborhood. It has been asked for on the West Side and the Traffic Committee has denied it. This particular one has been before the Traffic Committee on at least three occasions that I know of and the other comment I have is again going to the Parking Control Manager that we just hired, a lot of these items were tabled in Traffic and other Committees waiting for the hiring of the Parking Control Manager. I can't see why all of the sudden we are pushing this issue two weeks before that person starts. That is why I seconded the motion and I agree with Alderman Osborne.

Alderman Long stated I don't know where to start. Actually I am looking to add an amendment to the report to add 1287 and 1297 Elm Street. I have a letter from a constituent who brings up a quality of life issue. These people are paying to park in front of their home. It is \$20.19 that comes out of those meters or \$5,000 a year, which comes from I would suspect at least 75% comes from the residents who live there. There are no businesses around there that are utilizing that I see or that came before our Committee...businesses don't use those parking spots. People don't park there and pay the meter and walk to businesses. There are none around there. There is one in the brownstone but they don't use the meters. This is another quality of life issue. You have people out there fighting over

parking or have a bad taste in their mouth for the City charging them to park in front of their home. Can I get a second on the amendment?

Mayor Guinta stated well you wouldn't want to attach it to this vote.

Alderman Shea stated I have an entirely different viewpoint than Alderman Osborne. I know that I live on Vinton Street and I don't have to pay to park in front of my house. You render unto others what you want to render unto yourself and that is what I brought up. There are people who are paying to park in front of their houses. There are other people in the City in different wards who park in front of their houses that have permits to park and they are allowed and that goes into different wards, particularly I believe Ward 5 and 3 and maybe 4. Why are we saying that to get \$5,250 back per year we don't allow people who are in housing that is for people who have low income to park in front of their house and pay meters? The gentleman here tonight representing the Manchester Housing Authority came and explained to us that there are people there and when we had the hearing other people said they obtain extra amounts of money, probably \$50 but I can't recall, so why are we saying that we are going to impact businesses downtown when people living there and one business, one business is existing there and we are starting a new trend. I don't think so. I take an entirely different viewpoint and I urge the Board to really think carefully about how they want to be treated. That is the point.

Alderman Lopez stated I believe from listening to some of the discussion and I don't know if I have the figure right but it is either 64 or 68 residents who live in that particular area. Secondly, they have 28 parking spaces in the back. A lot of the residents that live in that particular area are working two jobs in order to survive and a lot of them are parking in parking lots and being charged \$75/month. I think this is an exceptional situation in comparison to some of the other areas because Manchester Neighborhood Housing picked this area and renovated the building and provided good apartments to low income citizens. Even with the 13 spaces if my numbers are correct that would be 41 spaces. If you had resident parking permits you are not going to solve all of their problems but at least it would help. Now fortunately or unfortunately we have a huge influx of people in the City of Manchester. Other cities do have resident parking. If you drive down to Boston or other places around the country you will see it and I am sure some of you have. A complex like this doesn't exist in a two tenement or three tenement but we have permit parking around those other areas. I agree with Alderman Long on this. It is to provide a service and as we always said we don't have meters to make money, we have meters to control. That is the main thing. To control the situation. You are going to lose maybe \$5,000 but you have residents that will now have parking. I support moving forward with doing this and not sending it anywhere.

Alderman O'Neil asked can I ask my colleague from Ward 3 a few questions. This will go Dow Street northerly to Langdon?



Alderman Long answered correct.

Alderman O'Neil asked so there is a fairly large block, a smaller one and then there is another one on the corner right. Are there three buildings or two?

Alderman Long answered right.

Alderman O'Neil asked and that is all this is addressing and there are roughly 68 residents in all of those buildings.

Alderman Long answered yes.

Alderman O'Neil stated and Alderman Lopez said there is only parking for 28.

Alderman Long replied I believe so. It is either 23 or 28.

Alderman Osborne stated I want to rebut Alderman Shea and Alderman Lopez. What we are talking about here is Elm Street. We are not talking about in front of our house. That is all together a different ballgame. We are talking about Elm Street and Elm Street should be left alone with permit parking as far as I am concerned. That building has been there since Abraham Lincoln okay. The 68 apartments have been there since he was born too. So they all know when they move in there how many parking spaces there are outside and what they have to do. All of the sudden now they are coming in with 16 parking spaces. That still isn't going to help them because everybody in the building is going to be fighting for Elm Street. Whatever it might be, this is opening a can of worms. I know what is going to happen. They will be calling me in my ward and everybody else's ward saying they want permit parking and it might be in front of their home but wherever it is...I have had these calls before and I had to refuse people and say there is a moratorium on a thing like that. The Verizon is about the only place I know of that really has a lot of permit parking and that lies in Ward 3. I don't have any permit parking that I know of in my ward. I don't have any.

Mayor Guinta asked could the Clerk read the motion.

Deputy City Clerk Johnson stated the current motion on the floor is to deny the report.

Alderman Osborne asked can I finish. This is the thing here. We are starting to open up a can of worms, which we haven't been doing. I feel sorry for these people I really do but it is not going to help the matter and the people in the apartments that are close to them are going to be yelling for the same thing. Any resident will want to have the same treatment so we are going to be running all the way down Elm Street. I think it should be left alone period. We will take the vote and I would like a roll call.

Mayor Guinta called for a vote on the motion. Alderman Osborne requested a roll call vote. Aldermen Osborne, Pinard, Thibault, Forest, and Gatsas voted yea. Aldermen O'Neil, Lopez, Shea, DeVries, Garrity, Long and Duval voted nay. Alderman Roy abstained and Alderman Smith was absent. The motion failed.

Deputy City Clerk Johnson stated I believe that Alderman Long is looking to amend the report to include additional addresses.

Alderman Long stated the addresses are 1287 and 1297 Elm Street. This is for residential only. They would be parking on Myrtle.

Deputy City Clerk Johnson stated this would be an amendment to the Committee report. There is a motion to amend and I don't know if there is a second yet.

Alderman O'Neil duly seconded the motion to amend the report.

Alderman Gatsas stated I should prepare my colleague from Ward 3 that I am sure that his phone will be ringing tomorrow because right across the street there are apartments that have no parking, zero, and they are going to be looking for permits on Elm Street directly across the street from that building. That is exactly what is going to happen and we might as well take the meters off of Elm Street all the way down. I would remind everybody that there are businesses across the street. There is a 45,000 square foot building that is directly across the street that has offices in it. I can tell you that there is no parking across the street in that block and I think you will find that his phone will be ringing asking for parking.

Alderman Long replied I welcome the phone calls.

Alderman Shea asked are you talking about the Sears building.

Alderman Gatsas answered I am talking about the building across the street. There are apartments there and it goes on Orange Street. You have another one across the street where E&R is and there are apartments above that. I would assume that sooner or later someone is going to be in on Dow Street and Langdon Street to get the metered parking out of there.

Alderman Shea replied well across from where he is talking about that is the Sears building and they have a parking lot there. Are you talking about the building on Orange Street?

Alderman Gatsas responded between Prospect and Orange there are apartments and there is no parking with those apartments.

Alderman Shea asked are they Manchester Housing Authority.

Alderman Gatsas answered I don't know what they are. Does it matter whether it is Manchester Housing Authority or not?

Alderman Shea responded well it does to me because I think that the people living in the Manchester Housing Authority residences have a certain income whereas other people might not have that low income.

Alderman Gatsas stated I would assume that the people living in those apartments are also low income housing.

Alderman Long stated those apartments that Alderman Gatsas is referring to have businesses underneath them, which use the parking meters. From Dow to Langdon are just apartment buildings with meters outside their apartment buildings with no businesses. It is a different situation. The only people feeding the meters between Dow and Langdon are the residents in the MHRA units I would suspect. A high majority of that \$5,000 a year would be coming from the residents in the Dow and Langdon area apartments. When you move further south then you get into the businesses with apartments above them. That is a different scenario.

Alderman Thibault stated I certainly sympathize with the Alderman from Ward 3 and any other Alderman in the City who has that problem. I know I have it. My question is how do you give someone on Elm Street resident parking and you are going to deny someone in my ward? I agree with Alderman Osborne and I hate to do that because he knows that I have been on his case about getting resident parking but after reviewing the whole thing he is right. If you allow it on Elm Street, how can you deny Ward 2, Ward 6 or Ward 8?

Mayor Guinta stated I had to deal with this as a Ward 3 Alderman as well. It is a very challenging area in the City and one that continues to present the same problem over and over again. This is an issue where sort of everybody is right. It is an issue and you want to try to address the residents of Neighborhood Housing Services but if you do support this you are going to...you are establishing a precedent of no precedent whatsoever and I will tell you that it is going to create a problem in Ward 3 and in the other parts of the inner City. I guess my comment would be, and I know it is a quality of life issue, but I think this Board would be well advised to hear at least the sentiments of the Parking Control Manager when she comes in to try to give us some clear recommendation about what to do downtown. If you do this and she comes in and recommends something completely different, you are going to have to go back and change it and you are putting these people that you are trying to help in a very precarious situation. She is coming in later this month. There is obviously a large list of things that she is going to have to address but I can tell you that this going to...you are trying to help one side of the street but you are pitting people on one side of the street against people on the other side of the street. It is a challenge that I think is going to require a far greater solution than what we are talking about. I don't know if it is the will of the Board to

try to work with the Parking Control Manager when she comes in, who is an expert in these issues.

Alderman Thibault moved to table. Alderman Forest duly seconded the motion.

Alderman Shea asked what are we tabling.

Deputy City Clerk Johnson answered the report.

Alderman Shea asked didn't we already pass something.

Deputy City Clerk Johnson answered no. There was a motion to amend on the floor and there is a motion now to table.

Alderman Shea asked didn't we vote 6-4 to accept the initial report.

Deputy City Clerk Johnson answered no. There was a roll call to deny the report and that failed.

Mayor Guinta called for a vote on the motion to table. Alderman Shea requested a roll call vote. Aldermen Shea, DeVries, Long, O'Neil, and Lopez voted nay. Aldermen Garrity, Thibault, Forest, Gatsas, Duval, Osborne, and Pinard voted yea. Alderman Roy abstained and Alderman Smith was absent. The motion carried.

A report of the Committee on Public Safety and Traffic was presented recommending that the Board of Mayor and Aldermen discuss approval of Saturday parking fees.  
*Aldermen Osborne, Shea and Roy voted yea. Alderman Long opposed. Alderman O'Neil absent for vote.*

Alderman Lopez moved to table the item. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Shea and Roy being duly recorded in opposition.

Alderman Lopez stated I want this to be one of the first items that she takes up when she comes in on October 16.

A report of the Committee on Public Safety and Traffic was presented recommending that two metered parking spaces adjacent to the Manchester Information Center on Merrimack Street be reserved for use by the Granite Street Ambassadors.  
*Unanimous vote.*

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to table this report.

Alderman Forest asked didn't we vote before to allow them to do this.

Deputy City Clerk Johnson answered yes and then there was construction and it got moved.

A report of the Committee on Public Safety and Traffic was presented recommending that permit parking only from the hours of 8 AM until 6 PM be approved for all waiting list requests received through September 26 for the Middle Street Lot as enclosed reserving a total of 40 spaces for permit parking only, free handicapped parking, 25 two hour meters and the cost of the permits shall be \$45/month.

*Unanimous vote.*

Alderman Forest moved to table this item. Alderman Thibault duly seconded the motion. Mayor Guinta called for a vote. Alderman Shea requested a roll call vote. Aldermen Shea, Garrity, Roy, Long, O'Neil and Lopez voted nay. Aldermen DeVries, Thibault, Forest, Duval, Osborne, and Pinard voted yea. Aldermen Roy and Gatsas abstained and Alderman Smith was absent. Mayor Guinta broke the tie by voting nay. The motion failed.

Alderman O'Neil stated for some clarification this is the one that we approved because the owner has a potential tenant for the building and they have lost at least three other times potential tenants and that was the reason I supported lifted the moratorium and getting this passed. If they don't provide the parking, they lose the tenant again.

Mayor Guinta stated and it is revocable by the City.

Alderman Roy stated all of these permits are revocable in 30 days when we go ahead and have our parking person come in. There is going to be enough on her plate that if we wait 6-8 weeks to act on this, all we are doing is hurting downtown business. I would ask my colleagues not to table this but to go ahead and approve it, clean off the waiting list like requested by the Committee.

Alderman Garrity moved to accept, receive and adopt the report. Alderman Roy duly seconded the motion.

Alderman Forest stated again I am not on the Traffic Committee anymore so the discussion didn't come up but when Alderman O'Neil and I were on Traffic we put a moratorium on permit parking in the Middle Street Lot. I respect Mr. Gamache. I know him very well but we have had a lot of other businesses along Elm Street that have asked us for that Middle Street Lot. We denied them because we were waiting for the Parking Control Manager. Some of these businesses are no longer in business so the excuse that he is going to lose tenants...I can understand that but we did have a moratorium on it and I can't see and I will not vote to accept this just for one business person, whether it is tenants or not. That is where I stand on this.

Alderman DeVries stated of all of the proposals, this proposal needs to be looked at soundly by the new Parking Manager. This will impact anybody coming to City Hall to do business.

I don't know how many of the Aldermen come through during the day but since we have given out additional spaces I am having a hard time finding a place to park during the day to do business and that means that each and every one of our constituents is having a hard time finding spaces to do business. I was not in favor of the additional spaces we gave out last time for that reason so for us to maintain that policy without the review of a paid professional to look at the downtown, the most critical part of our business environment, I just don't think is appropriate. I think this should be tabled. This individual is going to be hired. We are talking three or four weeks to make a decision. I don't think it is fair that we give the impression that we are giving a lessee in that building additional parking spaces just to rescind them a month from now after they have signed the lease. That is not fair either. If you think you are doing that property owner a favor in allowing him to lease the space out contingent on parking you are not. Table this and let it have its due diligence.

Alderman Roy stated I just wanted to clarify something. The Committee took into consideration everyone that had made a request and was on the waiting list. In my opinion this is not just about one business owner. One business owner has made the largest request, but this is about clearing a list for everyone who has asked in the last couple of years to be on that waiting list while we had a moratorium. While I do agree that our parking czar is going to have her hands full, we are just hurting ourselves and hurting our tax base by prolonging this. I think we should at least fill the spaces. We are a city. I agree with Alderman DeVries. When we come downtown it is hard to park. We are facing the same issues that every business has faced every day when people want to come and shop. It is City-wide and keeping spaces open is not the solution.

Alderman Garrity stated let me tell you why we have a hard time parking around City Hall. It is because City employees are parking around City Hall when they are not supposed to be. We lease spots at the Wall Street Tower Parking garage and City employees are not utilizing them.

Alderman Osborne stated being Chairman of the Traffic Committee I did vote in favor of this. I think it is a fair situation. We have a 30 day cancellation anyway on it. I am willing to withdraw my vote on the last vote. I think it is only fair that we did pass it through Committee and we have a 30 day leeway if the Parking Manager comes in and sees it a different way. I don't see anything wrong with the 30 day situation.

Mayor Guinta asked is there a motion on the floor.

Deputy City Clerk Johnson answered I have a motion by Alderman Garrity seconded by Alderman Roy to accept the report. Mayor Guinta called for a vote. Alderman Forest requested a roll call vote. Aldermen Forest, DeVries and Thibault voted nay. Aldermen Roy, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, and Garrity voted yea. Alderman Gatsas abstained and Alderman Smith was absent. The motion carried.

A report of the Committee on Administration/Info Systems was presented recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by amending §118.33 (A) Rates For Fares Established, by decreasing the current mileage fraction by which tax rates are calculated from one-eighth of a mile to one-seventh of a mile.”

ought to pass.

Because the last temporary increase in rates for taxis has expired, the Committee requests that the rules be suspended to allow for adoption of such ordinance on October 3<sup>rd</sup>.

*(Unanimous vote with exception of Alderman Forest who was absent.)*

Alderman Lopez moved to accept the report, suspend the rules and place the Ordinance on its final reading by title only without referral to the Committee on Bills on Second Reading and the Committee on Accounts, Enrollment and Revenue Administration. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated we sent this to the full Board. It wasn't clear that night if the meters could actually do what the Committee wanted to do. It is my understanding from Mr. Normand that they can so what we did was cut the previous increase in half. The meters can do it. It wasn't clear that night that they could set the meters to do it but they can.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

On motion of Alderman Pinard, duly seconded by Alderman Thibault, it was voted to read the Ordinance by title only, and it was so done.

“Amending the Code of Ordinances of the City of Manchester by amending §118.33 (A) Rates For Fares Established, by decreasing the current mileage fraction by which tax rates are calculated from one-eighth of a mile to one-seventh of a mile.”

On motion of Alderman O'Neil, duly seconded by Alderman Garrity, it was voted to Ordain.

State Legislative update presented by Mayor Guinta, if available.

There was no state legislative update.

Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 713, Lot 1, known as land on Brown Avenue.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 866, Lot 36, (consolidated from former 141 Broadhead and 142 through 145/half of this parcel) known as land on Brown Avenue.”

“Amending Sections 33.024, 33.025, & 33.026 (Systems/Programming Manager-Systems/Development Manager, Computer Programmer-Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Senior Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.080 (A) (1) Military Service, of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.062 (D), Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to dispense with the reading by titles only.

Deputy City Clerk Johnson stated we have a few that are coming out of there. The overtime compensation, special leave, and Lake Massabesic Protection Overlay District have been removed.

The Ordinances, having had their second reading by titles only, on motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted that they pass and be Enrolled.

On motion of Alderman Pinard, duly seconded by Alderman O'Neil, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 866, Lot 36, (consolidated from former 141 Broadhead and 142 through 145/half of this parcel) known as land on Brown Avenue.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 713, Lot 1, known as land on Brown Avenue.”

“Amending Sections 33.024, 33.025, & 33.026 (Systems/Programming Manager-Systems/Development Manager, Computer Programmer-Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Senior Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.080 (A) (1) Military Service, of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.062 (D), Part-Time Employees, of the Code of Ordinances of the City of Manchester.”



were properly enrolled.

*Unanimous vote with the exception of Alderman Smith who was absent.*

On motion of Alderman Pinard, duly seconded by Alderman O'Neil ,it was voted to accept, receive and adopt the report.

Communication from Alderman O'Neil regarding departmental responsibility in public right-of-ways.

Alderman O'Neil asked do you have any suggestion on what the appropriate Committee would be. It could be CIP or Lands & Buildings. Carol, any suggestion?

Deputy City Clerk Johnson answered Public Works is generally handled through CIP.

Alderman O'Neil moved to refer the communication to the Committee on Community Improvement. Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Communication from Paul Boynton, President & CEO, Moore Center Services Inc., requesting the removal of a deed reverter clause on the old Highland School on Titus Avenue.

Alderman Garrity moved to refer the communication to the Committee on Lands & Buildings. Alderman Thibault duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Communication from Kevin Dillon, Airport Director, submitting Ordinance:  
“Establishing a special purchase procedure relating to the pilot bus service program at the airport.”  
and requesting the Board suspend the rules and adopt the Ordinance this evening.

On motion of Alderman Pinard, duly seconded by Alderman Thibault it was voted to suspend the rules and place the Ordinance on its final reading by title only without referral to the Committee on Bills on Second Reading and the Committee on Accounts, Enrollment and Revenue Administration.

On motion of Alderman Garrity, duly seconded by Alderman Thibault it was voted to read the Ordinance by title only, and it was so done.

Ordinance:

“Establishing a special purchase procedure relating to the pilot bus service program at the airport.”

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to Ordain.

Communication from Joan Porter, Tax Collector, advising that the Finance Officer has decided to change the return address to a PO Box in Boston, MA for the 2<sup>nd</sup> mailing of property tax bills in 2006, noting it should be a decision to be made by the Board of Mayor and Aldermen, and recommending that the City continue to use our Manchester PO Box.

Alderman Thibault asked why are we going to Boston. It would seem to me that it would be a longer process to get that money where it belongs. I wonder if we can get Randy to enlighten the Board on this?

Mr. Sherman answered as we told you back during the budget process, Citizen's Bank has done our lock box services for years. Effective July 1, they were no longer in the business and they used to process everything right over here at the Plaza. What they did for all of their municipal clients is they made an arrangement with Fidelity to assume the lock box services. Fidelity is located in Massachusetts. There are no longer any lock box services being provided by NH corporations. What the bank is saying is in order to accommodate their customers they allowed everybody to maintain a local post office box and they are actually shuttling the mail down to Boston everyday. At some point, they are going to stop that service or charge us for it. What they are telling us is there are inefficiencies by having the mail come here and then be shuttled down to Boston. They have come to the City as their largest customer and said we secured a post office box and we would like you to move your service down to Boston. Clearly, you can leave it in Manchester if you so choose but I just want the Board to know that there are inefficiencies and at some point there may be additional costs for getting the shuttle down there or that service may no longer be available. My personal take on it is for the second tax bill you can leave it here but we have gone to Fidelity without a bid because it has gone from Citizens Bank to Fidelity and some of the fees have changed and my recommendation would be if you want to leave it that is okay but we should get an RFP out and see if we can secure lock box services from another source.

Alderman Thibault asked is there a possibility that we will lose interest time if we go there.

Mr. Sherman answered actually it is the opposite. What they are finding is when they were processing lock boxes in Manchester they could go to the Post Office several times a day. Now at the Post Office they have set times that they go in and if the mail isn't ready at those times you in essence have missed a pick up. We really, in all honesty, can't tell you what has been missed or what has fallen from one day to the next but I can tell you the day a couple of weeks ago when they picked up for EPD they only had three checks and that is totally unusual that that is all that would be there. On the next day there were like 117 for the pick up. They could tell that something wasn't right that day. Again, we may be losing investment earnings on the fact that we are not processing it quick enough but again it is not

something that can be quantified because you just don't know if it had been done locally what the difference would have been.

Alderman Thibault asked if we go to an RFP like you are talking about, what other companies would provide that kind of service.

Mr. Sherman answered again I am not aware of any in the state that do lock box service anymore but what you could bid out would be a Boston post office box and a Manchester post office box. You could, in essence, get two separate prices so we would at least know what the impact of the change would be.

Alderman Thibault stated I think that is something that should be looked out and we should find out where we are with that.

Mr. Sherman responded again it is a \$100,000 give or take contract that at this point has been turned over to Fidelity just out of necessity but again at that volume I think it should be bid out.

Alderman Lopez stated in supporting the Tax Collector regarding the Manchester post office box I think there is a problem with how we went about this. Tom Arnold, is it true that the Tax Collector has the right to fix the post office box?

Deputy Solicitor Arnold replied I believe under NH state statute she does. The statute provides that the Tax Collector shall mail the tax bills.

Alderman Lopez stated I think we needed some more communication along that line Randy and I am not blaming anyone in particular but do we have a lock box in existence now in Manchester.

Mr. Sherman responded we have a post office box in Manchester.

Alderman Lopez asked is it under an agreement.

Mr. Sherman answered it is under the name of the bank and our payments go there and then they courier it down to Massachusetts.

Alderman Lopez asked so nothing is going to change then. The people in Manchester will mail their taxes to a post office box here in Manchester?

Mr. Sherman answered as it stands right now yes.

Alderman Lopez stated I think it is the will of the Board and I can't speak for the whole Board but this is what I think we want to do because listening to Tom Arnold regarding the state statute, she has the right in this particular case to do this. I think some coordination should have been followed through with the department head. This is how we get mixed up in these situations. I think we should just move forward and do it to the Manchester post office box so people don't get confused. I am not for the lock boxes because...well I don't know if I will get a dinner out of him but I bet him that lock boxes never work and we are not going to save any money but it is going to cost us money. That is a different issue though. I think we should just move forward the way it is. My motion is to support the Tax Collector's position.

Alderman Shea duly seconded the motion.

Alderman DeVries stated I would ask Alderman Lopez because I was prepared to make a motion but I want to expand on that. I have heard and I obviously don't have the background to say if it was equivalent Randy but I have heard that potentially CD BankNorth could provide us with the lock box services. I would ask that we do go out to an RFP to evaluate the lock box and not to expand it in the capacity that you envision with the Boston PO box but to first see if there were local business that could provide the service. The second half would be that the second tax bill would come with a local address until we have the determination. I think we should vote on the amendment that I just proposed.

Mayor Guinta stated I think it is getting a little complicated. You either pass Item 29 or you receive and file it. I think those are the two things...

Alderman DeVries interjected I don't think it is complicated at all. We are asking for an RFP as the Deputy Finance Officer indicated he would like to see for lock box services. It is not complicated.

Mayor Guinta asked so you have an amendment to the motion.

Alderman DeVries answered yes and that has been accepted by the maker of the motion and needs to be accepted by the person who seconded the motion, which is Alderman Shea.

Mayor Guinta asked Alderman Lopez do you accept the amendment.

Alderman Lopez answered yes.

Mayor Guinta asked and Alderman Shea.

Alderman Shea answered yes.

Deputy City Clerk Johnson stated the makers of the motion have accepted a friendly amendment, which is to include that the Finance Officer be directed to issue an RFP as he previously stated but only using a City post office box.

Alderman O'Neil stated I had heard from an employee of BankNorth when we had this discussion about lock boxes that they provide that service here. That was a year ago or eight months ago that we had that discussion but I heard the same thing Alderman DeVries did that they provide that service.

Alderman Gatsas asked for a clarification from the City Solicitor. Could you read me that RSA please?

Deputy Solicitor Arnold answered RSA 76:11 states “the Collector shall within 30 days after receipt of such list send to every person taxed the bill for such taxes by first class mail unless for good cause the time is extended by the Commissioner of Revenue Administration.”

Alderman Gatsas asked it doesn't say anything about return mail does it. Are you just assuming that?

Deputy Solicitor Arnold answered I am saying that the statute provides that the Tax Collector shall mail the bill and I think that includes the authority to specify the address to which the taxes are to be sent since she is the Tax Collector.

Alderman Gatsas asked so if she decided to send them to California because one day she woke up and thought that California was the right place to send them you would think that would be something she could do.

Deputy Solicitor answered I guess she could do it. I certainly don't think it would be wise.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman Forest being duly recorded in opposition.

Alderman Forest stated I have a question for the Solicitor regarding that RSA. I believe the City Solicitor said it is up to the Tax Collector to determine where it goes and I am just wondering why we are giving Finance the authority to send out an RFP. Wouldn't it be the Tax Collector's prerogative to send out the RFP and not Finance?

Mayor Guinta answered not for lock box.

Mr. Sherman stated under the procurement code banking services are under the authority of the Finance Officer and just keep in mind that taxes are not the only item we run through lock box. Parking violations, EPD, Water...there are others.

Resident's petition to rename Camelot Circle to Camelot Place.

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to rename Camelot Circle to Camelot Place.

Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 713, Lot 1, known as land on Brown Avenue.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 866, Lot 36, (consolidated from former 141 Broadhead and 142 through 145/half of this parcel) known as land on Brown Avenue.”

“Amending Sections 33.024, 33.025, & 33.026 (Systems/Programming Manager-Systems/Development Manager, Computer Programmer-Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Senior Applications Developer/Analyst) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.080 (A) (1) Military Service, of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.062 (D), Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to dispense with the reading by titles only.

These Ordinances, having had their third and final reading, on motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to Ordain.

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Thousand Dollars (\$400,000) for the 2007 CIP 511207 Derryfield Country Club Rehabilitation Project.”

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to dispense with the reading by title only.

On motion of Alderman Roy, duly seconded by Alderman Garrity, it was voted that the Bond Resolution pass and be Enrolled.

Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 811507 Economic Development Strategic Planning Project.”

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to dispense with the reading by title only.

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted that the Resolution pass and be Enrolled.

Resolutions:

“A Resolution establishing increased property tax relief exemptions for the elderly, disabled and blind.”

“A Resolution establishing increased asset and income limitations property tax relief for the elderly, disabled and blind.”

“A Resolution authorizing increased optional property tax credits for Veterans to the amount of Four Hundred Dollars (\$400.00).”

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to dispense with the reading by titles only.

On motion of Alderman Roy, duly seconded by Alderman Garrity, it was voted that the Resolutions be adopted.

**TABLED ITEMS**

36. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)  
(Tabled 09/05/2006)*

This item remained tabled.

37. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)  
(Tabled 09/05/2006)*

This item remained tabled.

## **NEW BUSINESS**

Alderman Lopez stated I am looking for the Board's approval or disapproval one way or the other in reference to the meeting that we are having in November. There is a communication from the City Clerk in reference to only have one meeting. It is 10:40 PM. I think we should have two meetings. We are getting too far away from doing business for the City and piling everything into one meeting. For October I think we have two meetings and I am recommending that we continue to have two meetings in November.

Alderman O'Neil asked do we have two scheduled for October.

Mayor Guinta answered yes and one for November per the Board action.

Alderman Thibault stated because of the election the City Clerk asked that there only be one meeting in November.

Alderman Lopez stated if we look at our rules, it is the Board of Mayor and Aldermen to have two meetings. It is not up to the Mayor or the City Clerk without coming to the Board.

Mayor Guinta responded there was a vote by this Board to allow one meeting in November. If you want to have two meetings in November, we need a motion at this time.

Alderman Lopez moved to hold two Board of Mayor and Aldermen meetings in November. Alderman DeVries duly seconded the motion.

Alderman Roy stated just a friendly amendment that if we are going to have two meetings in November, it be the second and fourth Tuesdays, the 14<sup>th</sup> and the 28<sup>th</sup> to not conflict with election day.

Alderman Lopez replied yes I accept that amendment.

Alderman Duval asked could the Clerk refresh our memories as to why the request was made to begin with.

Clerk Bernier answered as a lot of people are aware election laws have been changed and we are implementing new voting machines and it is time consuming and we are working closely with the state and we have our staff working on this full time and what is happening is because there are meetings and agendas to prepare, it interferes with the election process. Again, we are implementing new voting machines and new laws and checklists and it is taking Paula and Carol and Tricia – practically all of their time to meet those needs. We



have done this in the past. Last year we had one meeting in November. It is helping the Clerk's Office out. That is all we are asking. If the Board wishes to have two meetings, we will do the best we can. It was a suggestion of myself and the staff.

Alderman Pinard stated Sunday is our annual Fire Prevention Parade that has been going on...I have been doing it for almost 40 years. It starts at 9 AM with a breakfast at the Central Fire Station and the parade at noon. I think it is the largest fire prevention parade in New England. It is a good way to support our firefighters and visit our fire station.

Alderman Lopez stated we have a motion on the floor.

Alderman DeVries stated I wanted to take us back to that discussion. I want to ask the City Clerk...by moving the November meetings to the second and the fourth Tuesdays does that alleviate a lot of the difficulties you are having in regards to the election and the new laws?

Clerk Bernier asked so you are talking November 14 and the 28. Well the thing is on November 14 we would have to prepare the agenda probably two days after the election. It takes two or three days to close down the election. The thing is it is time consuming.

Alderman DeVries stated if I could comment on this because I can certainly understand the difficulty of the Clerk's Office and I am not looking to impose on them but it just seems that every year we go through our budget process and we always say to ourselves there are so many initiatives we need so let's start it earlier. Well it is not going to be that long after the first of the year when we are going to start crunching and I just hate to miss opportunities at this point of the year to set the course for January, February and March when we should be finalizing, through the Committee process, any of our initiatives that we will be enacting in next year's budget. That is my only thought. My slowing down and having one meeting in November I really think we miss opportunities.

Clerk Bernier stated well there is nothing to stop you from having three meetings in December.

Alderman O'Neil stated maybe you and the Chairman could sit down and try to...one of the things we could absolutely cut out are the presentations early in the meetings. Sometimes we don't get to the consent agendas for a couple of hours into the meeting so maybe you could work with the Chairman to see if there is...depending on the workload if one or two meetings are necessary. Is that...I don't disagree with you. These long late nights get to me.

Alderman Lopez replied I would rather have the will of the Board.

Mayor Guinta stated there is a motion on the floor. Let's vote on that. The motion on the floor is two meetings in November on the second and fourth Tuesday. Alderman Lopez requested a roll call vote. Aldermen Lopez, Shea, DeVries, Garrity, Thibault, Roy, Gatsas, Long, Duval, Pinard, and O'Neil voted yea. Aldermen Forest and Osborne voted nay. Alderman Smith was absent. The motion carried.

Alderman Lopez stated I have a fast comment that I want to make in reference to the increase in car registration where we lost \$390,000 because we had the votes but it was vetoed. I just want to bring to your attention and you can go back to your book on parking but that was a major item, Item 4, to increase vehicle registration fees in order to put money into the parking fund and get returns on it. I want to bring that to the Board's attention because there have been a lot of misquoted things in the newspaper that are not right. It is there in black and white. Read the book. It was a recommendation that we did bring to your attention. We did the first recommendation, which was the Board assign responsibility and management in the transition and reorganization and the Board authorized the hiring of the Parking Manager and during the budget we did vote for recommendation #4, increasing the parking fee and that is where we got the \$390,000 and now the taxpayers will have to pay for it.

Alderman Shea stated I think Mr. Ouellette brought up a very important point this evening. You visited Hallsville School yesterday or the day before and my point is that there have been...I mean we say that firemen put their lives on the line. Well I tell you that teachers and principals are now putting their lives on the line and there is no justification in my judgement for the citizens of Manchester to send kids to school or teachers to be vulnerable. I would hope that at the meeting of the School Board important questions are raised concerning the type of security we have and the type of follow-up that would be necessary in the event...we saw tragedies in different communities and hopefully there won't be any copy cats around here but you never know. I think that is a very important point that should be brought up.

Alderman Gatsas stated I think that my colleague Alderman O'Neil made it very clear when we were going through the budget process that the Resource Officers would be reinstated and I think he was given some sort of guarantee if we would have gone along with that School budget that they were going to be. I would say that we should all understand that if that is the case I think we sent a very strong message and I think we as a Board should reiterate that message and make it just as strong because certainly I believe that those Resource Officers deserve to be in those schools and must be in those schools without question. Again, if Alderman O'Neil wants to make that motion because I think he talked on it, I certainly would second his motion.

Alderman O'Neil stated I know, your Honor, you were going to bring it up at a recent School Board meeting and they keep talking about phasing it in. Can you give us any timeframe?

Mayor Guinta responded we have a School Board meeting on Tuesday at which time I hope there is an update but as of last week there was no change regarding phasing them in.

Alderman O'Neil asked so there are no Resource Officers in the middle schools currently.

Mayor Guinta answered correct.

Alderman O'Neil moved to send the School Board a message asking them to revisit the issue of School Resource Officers and reinstate them in the middle schools. Alderman Gatsas duly seconded the motion.

Alderman Lopez stated before we vote on it can I ask the Chief to come up please. I have a few questions. Chief, you as the Chief Safety Officer for the citizens of Manchester and the schools, do you believe the Resource Officers should be in the schools today?

John Jaskolka, Chief of Police, stated I definitely believe they should be in the schools. That is the first line should there be an incident in the schools. I do commend the schools because they do have emergency plans but if the officer isn't there then there is that response time in getting him there to initiate the plan. The schools, to the best of my knowledge, have the plans in the classrooms and the teachers should be trained as to what to do but that first officer who is trained in what to do with an active shooter situation needs to be there when the incident starts.

Alderman Lopez asked in saying that the officers that you have are in your budget correct.

Chief Jaskolka answered yes.

Alderman Lopez stated if this Board really wants to send a message and the Chief is saying the safety of the kids in the school depend on these officers and he wants the Resource Officers there, this Board has the authority to back the Chief and send the Resource Officers to the middle schools and then you can work out all of the administration you want. He has the money in his budget for these officers and if we are concerned about the safety of the children then we can direct him to put those officers in the schools.

Alderman O'Neil asked doesn't he have to...it's a chargeback to schools so I am not sure he has the revenue.

Chief Jaskolka answered the money from the schools goes to revenue. I don't get that in my budget.

Alderman Lopez stated that is right. All of the Resource Officers are funded in his budget. He charges X number of dollars to the school and we get the lowest rate of officer revenue coming back to your budget correct Chief?

Chief Jaskolka answered the Resource Officers in the high schools are charged regular salary for the nine months that they are there. The Resource Officers in the middle schools, the School Department is charged entry level pay. They are not entry level police officers but they are charged entry level salary for the nine months they are there.

Alderman Lopez stated the point that I just want to make is we are just kicking this thing back and forth. If the Chief of Police is telling us that it is a safety issue and he is worried about it, maybe not worried about it but I think it is up to this Board to give him the authority to put the Resource Officers...it is in his budget. They will be paid. The second thing that comes up is the Mayor will have to work it out with the School Board and all of that but the money is there. I would like to move that the Chief be directed to do that.

Mayor Guinta replied there is a motion on the floor that we are discussing.

Alderman Shea stated I think there is a clarification that has to be obviously made and that has to do with the Reserve Officers putting the time into the areas to which they are assigned and not being taken out. I think that has been brought up before by people who are in different middle schools particularly so that if Reserve Officers are assigned then they should not be spending time away from those schools. In other words, I believe that what we are indicating is that one of the most vulnerable places in our society are schools today and if officers are assigned to middle schools or high schools, then they shouldn't be pulled away from those responsibilities during the course of the school day. I think that was one of the major problems that had been presented and I think that one of the officers and I am not sure if it was Lt. O'Reilly or someone but he was supposed to go and discuss this with one of the committees at the School Board level. Again, that is very important because it doesn't make much sense to assign a Reserve Officer to a school and then they are not spending the time at that school that they should because they are pulled out because of some extenuating circumstances. I don't know if you want to respond to that. Has that been resolved?

Chief Jaskolka stated first of all they are not Reserve Officers. They are regular police officers.

Alderman Shea replied I am sorry. I was using the wrong term.

Chief Jaskolka stated the purpose of the way they are billed is so that we have the officers available should a situation arise where we need the police officers like if we have a major case or a Presidential visit we can pull officers who are actually on duty. The officers also

have to attend training. Most police training is not in the summer when they would be off for the simple reason that most departments are short of manpower so they don't send people to training at that time. Most of the training scheduled for police officers is done basically during the nine months that school. So there are several reasons why an officer might have to be taken out. They could have a court case. They are entitled to vacation days. They are entitled to personal days. We can't restrict their schedules because they are a School Resource Officer. They are still entitled to everything that every other police officer is entitled to.

Alderman Shea asked so what you are telling me is that you really can't supply the officers to the schools on a full-time basis because of the extenuating circumstances that you just mentioned.

Chief Jaskolka answered again they perform their duties as a School Resource Officer but again they are entitled to vacations and they might have to go to training. We try to avoid that, but that situation does arise.

Alderman Gatsas stated I need a clarification. Chief, I don't want to put words in your mouth but did you say that the funds for the Resource Officers are in your budget?

Chief Jaskolka responded they are regular police officers taken from the department that are put in there; yes.

Alderman Gatsas asked then why would the School District have eliminated the Resource Officers if you are paying for them.

Chief Jaskolka answered I don't have an answer for that.

Mayor Guinta asked is there a chargeback.

Chief Jaskolka answered yes like anything else it is a chargeback. The City is charging them to put the police officers there.

Mayor Guinta asked so we appropriated it at this level and the School District has elected at this point to say they can't afford the chargeback, which as Alderman Lopez points out the chargeback itself is for an entry level officer and they are getting far greater than that. That is the issue here. I have spoken and the Board has spoken and we are speaking again about sending a message to the School District to find a way to pay for the chargeback. I don't know what more we can do.

Alderman O'Neil stated Chief I do agree with Alderman Shea's comment that there was some concern that the officers were spending more time away from the school and if I recall

there was some concern that they were conducting investigations that would take them away from the school. Moving forward have there been changes to limit the amount of time away from the schools? I will be honest that they shouldn't be pulled for detail work. If there is ever an incident we shouldn't be missing seven School Resource Officers for a detail.

Chief Jaskolka replied I don't think a time would come that every single Resource Officer is pulled. They are charged with doing investigations with regards to that school, which may take them outside the school itself.

Alderman O'Neil stated but that was a concern as I understood from the School District. That was not their understanding. Their understanding was that they were paying for a police officer to be there for 40 hours a week or whatever the schedule allowed. I think that needs to be cleared up internally within the Police Department. Maybe they don't conduct investigations that would take them out of the schools.

Chief Jaskolka responded the only problem with that Alderman...I understand exactly what you are saying but now you have a School Resource Officer who is taking care of investigations at the school but if he has to be pulled out of the school I am going to have to pull another investigator that I don't have to do that investigation.

Alderman O'Neil replied well my understanding is that that was a great concern of the School Board that the officers were not there.

Mayor Guinta stated there was a statement made by a School Board member that the officers were not in the school as much as they originally thought or felt that they were paying for. At the time what I had said to the School District is that they need to schedule a meeting with the Police Department and I don't know if that has been scheduled yet but that is what I had instructed to the School administrators and a follow-up would be for the department to come back to the School Board to educate the School Board as to the responsibilities and roles of a School Resource Officer. I think there is a disconnect about what a School Resource Officer does. As the Chief has indicated, when a School Resource Officer has a case, that individual is investigating the case, which might require that individual to be outside the school. Now if there has to be some discussion about that and a policy set, that needs to be done by the School District with the Police Department. I don't know even at this point if they have come to you to have that meeting. If they haven't, the message has to be loud and clear that they need to sit down immediately with the department.

Alderman O'Neil stated I would just encourage the Police Department to consider that that was a concern. That officers were away from the school more than they were at the school. If there is a way to work that, we need to do that.

Alderman Lopez stated because of the situation I look at it differently. We have a Chief Enforcement Safety Officer of the City who believes that Resource Officers need to be in the middle schools. There is a system for us to do that. We can direct the Chief to do it. There is an administrative procedure and maybe Randy can help me out here. Randy, you always use the word liability. Would that be a liability charged to the School Department?

Mr. Sherman responded no I think this is a little bit different. The Police Department has the dollars in their budget for these officers and can put the officers in the schools. The question then is does the School District have to pay for them. If they don't agree to paying for that up front I think you are going to have a hard time going back and getting the reimbursement for the charge back. What I think I am hearing you say is that may even be okay. If you want to put the police officers in you have those officers to do that and if it is a true safety issue and not a chargeback issue it will be another revenue that we are short on but we are not getting it now. The officers, I assume, are doing other duties but you are not getting it now and I guess it is a decision on whether they continue to do what they are doing or do you want to put them in the middle schools.

Alderman Lopez replied thank you. I think the key point is if we are not getting the revenue it will be a shortfall in revenue but in the meantime the safety of the kids are at stake so lets get the officers...that is what I am saying to the Board here. Let's put the officers in and work out all of these administrative problems down the road.

Alderman Roy stated Alderman Lopez just made the summarization of the point I was going to make but I have a question for the City Solicitor. Do we have the authority or does the Police Chief have the authority to mandate that SRO's are allowed in the schools? Is that a School District only decision?

Deputy Solicitor Arnold responded I believe it is probably the School District's decision but quite frankly I would have to research the law on that particular question being separate and apart from the charge back question. My gut tells me that it is a School District decision although I think that if you agreed to send officers to the schools without requiring the charge back they would probably agree to that.

Mayor Guinta asked why don't we take a vote on the motion on the floor now. In the meantime we can get the analysis done on the legal side and we have a School Board meeting on Tuesday and I can see if they have changed their minds about School Resource Officers.

Alderman Roy stated I would like to agree with Alderman Lopez that even if we don't receive the revenue back from the School District, even if we can't force the charge back, we have another budget session coming up that will start in a matter of months. This is a safety issue. If the Chief has the authority and we have the manpower then they should be in the

schools. For the limited amount of revenue we will receive from the end of October through June of next year is a minor factor compared to the safety of the children. I would look for something more concrete then let's keep talking to the School District. I would like to have the Chief authorized to go ahead and put the officers back in the schools.

Mayor Guinta called for a vote on the motion to send the School Board a message asking them to revisit the issue of School Resource Officers and reinstate them in the middle schools. There being none opposed, the motion carried.

Alderman DeVries moved to direct the Chief to put the SRO's in the schools and worry about the charge back situation later. Alderman Pinard duly seconded the motion.

Alderman O'Neil asked what was the vote we just took.

Mayor Guinta stated we instructed the School Board to take it under advisement and look at putting the SRO's into the schools. Now the motion on the floor is to put the SRO's back in the schools.

Alderman Forest stated the Deputy Solicitor just said we may not have the authority to do that. I don't think we should be voting on this until we get an answer from the Solicitor. We can't just force officers into the schools. I understand the safety of the children and everything else but I think that is almost like declaring martial law in the schools. Again, we might as well wait for an answer before we order the Chief to put the officers in the schools.

Alderman DeVries stated I really don't think the schools are going to have a hard time if we tell that with or without reimbursement from them we know there is a safety concern and we are placing the SRO's back in the schools knowing that they are not obligated to reimburse us. I don't think they will have a problem with that. I heard them at School Board meetings. They want the SRO's there. They are just not sure that they have enough money in their budget to pay for it. The discussion is not whether they are needed or necessary. It is whether or not they have the dollars to pay for it. I am saying we funded it in the budget and it is already there so let's stop playing games with the safety of the children and put the SRO's back in the schools.

Mayor Guinta stated hold on. No one is playing games with the safety of the children. I am a little concerned about that comment.

Alderman DeVries replied let me rephrase it. Let's not wait two more weeks to send them.

Mayor Guinta stated there is a concern that exists that has existed since the budget was passed. I have reiterated it and the Board has reiterated it. It is unconscionable that the School Board would decide that SRO's are not important enough to include in their budget.



I think we all agree with that. I think we are in a position to have to take a vote now because they choose not to act and be responsible and everybody on this Board probably agrees that is irresponsible of them. Quite honestly it is frustrating that the School Board wouldn't want to take it up either. That is forcing this vote, which if the issue is about Resource Officers in the schools then take the vote but don't absolve the School District of their responsibility to articulate this message. That I hope is not the message. They have to have the responsibility. They are ignoring the will of this Board, which also is unconscionable quite honestly when it comes to safety. If you would like to take the vote, I would be happy to see the vote taken.

Alderman Gatsas stated it is clear where my position is. Alderman O'Neil made that issue back in June. We voted on a school budget...some people voted for that school budget and others of us didn't but the people who voted for that school budget obviously had assurances from Alderman O'Neil that those Resource Officers were going to go in and I was merely reiterating where the Alderman was and I think it was fair because he was sold a bill of goods. He was sold a bill of goods that things were going to happen if they were funded the \$143.5 million. Now all of the sudden we are changing that. Just a few minutes ago Alderman Lopez wanted to read from a parking study that the taxes are going up. Some people voted for that budget and some of us didn't so let's not talk about taxes because we had a responsible budget at a zero increase. Now the taxes are going up because the revenues aren't there. Let's not go down a road...I was just concerned because Alderman O'Neil, one of our colleagues, had suggested that the School District should bring them in.

Alderman Lopez stated I remember that Alderman O'Neil mentioned employees of the School District and no lay-offs and stuff like that. The Resource Officers were another issue and they are funded under the Police Department. The second issue he just raised about revenue, we had...since we are going to talk about it and he threw it out there I think the budget was built around three people – the Mayor, Alderman Gatsas, and myself and the Aldermen voted on it. The \$300,000 that you had in there for Saturday parking is not going to happen. It is going to wait for the Parking Manager to come in here. There are all kinds of revenue that aren't going to happen. The \$390,000 in car registration was for everybody – everybody that owns a car. That is not going to happen because it was vetoed by the Mayor. Those are the facts. The parking study is a fact. You can say what you want. Back to the Resource Officers. That is why I called the Chief up. He thinks that they are important. He is the Chief of Police. He is responsible for the safety of the citizens of Manchester and if he feels that the Resource Officers ought to be in the middle school...all of this bickering back and forth between the School Department, the Mayor and anybody else should be put aside and they should get together and solve the administrative stuff. In the meantime, I think the Chief is saying he wants an officer in the school. I want an officer in the school. They are paid for. We should put them in the schools and solve some crime around here maybe in the middle schools.

Mayor Guinta called for a vote on the motion to direct the Chief to put the SRO's in the schools and worry about the charge back situation later. There being none opposed, the motion carried.

Alderman Roy stated I have two issues. The first is the FEMA money. We are still waiting for the checks from FEMA regarding spring damage. There are homeowners, businesses and City property waiting to be repaired and we are waiting the fall construction season slip by. I did have a discussion earlier with the Highway Department as well as Mr. MacKenzie. If Mr. MacKenzie can just give us an update and some timeframes as to when we can see dollars and the direction he would like to go in.

Mr. MacKenzie, Planning Director, stated the Fire Chief as the Emergency Operations Officer for the City has been organizing with FEMA. They have completed all of the reports and have given me a final tabulation. We actually have started receiving some money. They have been mailing money directly to the Mayor's Office but it is a percentage so far of what we have. I was planning on going to the next CIP Committee with a resolution to start-up perhaps what will take the longest and that is the Piscataquog River Park repairs. We are in the process. We are just starting to get money back. Again, of the roughly estimated \$1.4 million in damage we will be getting back from FEMA 75% of that.

Alderman Roy stated I would just further ask that between the Chief and yourself and Highway and Parks, that by our October 17 meeting any resources that could start the bid processes and any construction that can be done this year, that our Board support it. Obviously we will be getting that money from the federal government and our state legislature has also been very willing to work with us so I would ask this Board to go ahead and move along those projects so we are not getting into next spring and delaying homeowner, business and park projects until next summer.

Alderman Gatsas stated the State of NH set a precedent when they took care of the floods that happened in October when they declared or we declared at the Legislature that the most out of pocket expense for any community would be \$5,000 on their 12.5% share. I would think that the Governor, along with both the House and Senate would set the same precedent and Manchester's exposure would not be \$175,000 for their 12.5% on the \$1.4 million but it merely would be \$5,000, which is what we did in the western part of the state. I can tell you that it should be very much talked about that that is what should happen because that precedent took place.

Mayor Guinta stated we can research that and send a letter out to the Governor.

Alderman Roy stated I have additional new business. It is just a request from Information Systems. I would like them to look into and possibly forward me a letter as to how hard it

would be to in the GIS system show areas of zones and parking permits as well as metered areas if that is easy to accomplish through a layer. I would greatly appreciate that.

Alderman Shea stated I do receive several calls from constituents concerning the taxes. I wondered if before they go up to DRA if we are going to have a discussion about the impact of the tax rate on the local community? I think it is quite important. I know that we have so many things out there and I hate to use the term moving targets but there are probably six or eight moving targets out there from Central Purchasing to other situations. I know you have a Committee working on ways to help out and I guess you are going to receive that report at the end of October but I think it is important that we understand when constituents call us in terms of how much am I going to pay and what is the tax rate going to be. I know the new assessments are coming into play but I think it is very important that people understand what is going to happen to them rather than maybe be hit on the head with something like people who prepaid their oil bills and now are finding out that they were not penny wise and pound foolish but pound foolish and penny wise.

Mayor Guinta stated I think that discussion will happen at the next meeting as we get closer to the date to get our information up to DRA.

Alderman DeVries stated the Airport has a piece of property that is attached to the Executive Health Club that today they own or lease to the entity for parking purposes at the Executive. Their lease expires at the end of the month and they need to reconvey the lease parcel. I would like to make a motion that we convey to the Airport Director the right to enter into future leases with regard to this particular parcel attached to the Executive Health Club, which houses their parking and that he enter into this as necessary.

Alderman Gatsas stated I certainly think that at 11:30 PM we should be sending this to a Committee to have them take a look at it to find out what the implications are to the City. I would think that Lands and Buildings should be looking at it. Certainly we are talking about a lease here and I don't think we should be making a decision at 11:30 PM. I would move to refer this to Lands and Buildings.

Alderman O'Neil stated in all fairness they sat here all night waiting for this item to be brought up to new business. That is a heck of a message we are sending to the business community. I don't know why it is coming in tonight...

Mayor Guinta interjected I have no idea why it is coming in either.

Alderman O'Neil stated but they sat here all night waiting for this and now we are going to tell them that we are going to send it to a Committee.

Mayor Guinta stated well we have had a precedent here of trying to get everything on the agenda. I don't know why this is coming in right now. This is the first I am hearing about it as well. I would like to know a little bit more about this before I support it.

Alderman Roy stated I would ask that we have a two minute brief synopsis by either Kevin Dillon or the representative and then we can make a decision.

Mayor Guinta stated I want to hear from the Airport Director first. Are you familiar with this?

Kevin Dillon, Airport Director, stated currently the Airport has a lease with the Highlander. We do not have a direct lease with the Executive Health Club. The Highlander has a pass through provision in that lease to the Executive Health Club. The lease term was originally initiated in 1987. The base term was for a 14 year period and then there are seven five year options. The concern that the Executive Health Club has is that if the Highlander does not exercise those options, they do not have the rights to the parking that serves their building. I do not have the ability to enter into a direct lease with the Executive Health Club or give them any level of assurance about what would happen with that property because our lease is with another entity. They need assurance for banking purposes related to the parking because the building serves as collateral for them and the bank is asking for an assurance that if for some reason the building reverted to them that there is parking. I have told the Executive Health Club that I, as Airport Director, would recommend to the Board if for some reason the Highlander terminated their lease on the parking, that I would recommend to the Board that we enter into a direct lease with the Executive Health Club subject to renegotiated rates that would be market rate at that time and subject to a continuing approval by the Airport that if it was used for any other purpose other than a Health Club we would have approval rights. What the Executive Health Club, I believe, would ask you for tonight is to get an added level of certainty that the Board authorize the Airport Director to enter into a lease in the future if necessary. The reality is that today there isn't an issue because the pass through occurs. There will only be an issue if, for some reason, the Highlander at some point over the next roughly 30 years elects not to lease with the Airport. It is not an Airport issue. It is an Executive Health Club issue. They have approached the Airport and the Alderman in the ward asking for some assistance and the only way that I can see they can be assisted in this matter is if you gave the Airport Director the right to negotiate a lease with them in the future if necessary.

Alderman Garrity asked if this was such a time sensitive issue and so important, it would have been on our agenda. That is what I have a problem with. It is not on our agenda and all of the sudden it comes in...it is 11:25 PM. That is unacceptable in my book.

Alderman DeVries stated I was just going to ask and Kevin maybe you can answer this for the parties but there is a financing deal that is dependent upon some level of certainty of this

lease potential for the future so if we do not take action on this today there is a financial arrangement that may not happen and that is why this came up at the 11<sup>th</sup> hour literally.

Mr. Dillon stated this issue isn't being driven by the Executive Health Club either. It is being driven by the bank that they are borrowing from and it is related to a business transaction they are trying to conduct.

Alderman Roy asked Kevin the revenues from this lease how does it work. In 1987 it was penned. Who gets the revenues from the Highlander?

Mr. Dillon answered the Airport gets the revenue and we get roughly 25 cents per square feet on roughly 118,000 square feet.

Alderman Roy asked so the Executive is just looking for the assurance that you have the authority to renegotiate at a given time at a later date should their agreement with the Highlander fall through in order to fulfill a banking obligation that will have no bearing on the taxpayer, no change in use, and very negative impact to the naked eye except they will end up with a financing agreement correct.

Mr. Dillon answered that is correct.

Alderman Roy stated again, I think we are making a mountain out of molehill, which shouldn't happen at 11:20 PM I agree. It should have been on the agenda but I have been part of enough financing deals that 11 PM might be a great time to get this done. I would look to get this done. On the surface there is no impact to anything except for the financing package and the building owner.

Alderman Gatsas asked let me understand. You are receiving \$29,000 in revenue. How many parking spaces are there?

Mr. Dillon answered offhand I don't know that.

Alderman Gatsas asked would you say it is over 100.

Mr. Dillon answered it is probably in that area.

Alderman Gatsas asked would you say you are receiving market value for that space.

Mr. Dillon answered for airport property yes. Quite frankly the lease was amended in 2001. It was airport market rate in 2001. Today if we leased a piece of property to another property owner essentially conducting that type of activity, it would be about 70 cents per square foot.

Alderman Gatsas stated correct me if I am wrong but don't we have an issue with a piece of property that is owned by the same tenant on Lowell Street that we are looking at now. Isn't that before us in Lands and Buildings or was it in CIP?

Alderman O'Neil asked are you talking about Chestnut and Lowell.

Alderman Garrity stated it is tabled in CIP.

Alderman Gatsas asked isn't that the same owner.

Alderman Garrity answered I don't think so.

Alderman Gatsas stated I think it is. I guess I have a question to make sure that whatever we are doing here that if we are looking for a deal on Chestnut and Lowell maybe it is time we renegotiate the lease at the Airport and those two should be tied in.

Mayor Guinta stated the proper procedure should be that there is a written request to the Board of Mayor and Aldermen and it should go through the Committee process. I don't see any reason why we should deviate from that. That has been the process of this Board for years – well before I served on this Board and that is the way we should be doing business in the City. We should not be doing business on a couple of handshakes and a couple of conversations. This is a legitimate request and it should come through the proper channels. I am quite honestly disappointed that it did not. I would recommend what was suggested before, that a written request come to this Board and it go to Lands and Buildings for full review and then they can apprise the Board of its decision. That is how we do business here.

Alderman Osborne asked Kevin why all of the sudden has this come up. How many years has the Highlander been there?

Mr. Dillon answered this is only come up as an issue because the bank...

Alderman Osborne interjected I understand that. How long has the Highlander been there?

Mr. Dillon responded a long time.

Alderman Osborne stated and I guess they are supposed to be there another 35 years.

Mr. Dillon stated this lease originally started in 1987. Certainly the Highlander was there prior to 1987.

Alderman Osborne asked so the bank is looking at the Health Club here. Is it because they took out another mortgage or something? What is the reason why the bank is all nervous all of the sudden?

Mr. Dillon answered well I think the Health Club is here but I can try to answer the question for you. I have been advised that they are seeking to utilize the facility as collateral for a loan for another piece of property.

Alderman Roy asked can you just clarify one thing for me since it is not in our GIS. This property actually sits in the town of Londonderry correct?

Mr. Dillon answered that is correct.

Alderman Roy stated so on the surface there are no changes except we are helping a business owner go forward in a transaction. I would ask the business owner if this is time sensitive to our October 17 meeting?

Alderman Garrity stated if it was time sensitive it would have been on our agenda.

Mayor Guinta responded I agree with you.

Alderman Roy stated that was my next question. When did this come up?

Alderman Garrity stated I don't want to hear any excuses at 11:30 PM as to why it is not on the agenda. If it was that time sensitive it should have been on our agenda.

Roy Tilsley, Bernstein, Shore & Manchester stated I am here today on behalf of the Benton Family Realty Trust and Oasis Health & Sports Center. We are in the process of trying to do a loan on the property. What we have here is really a glitch in the documents that go back to 1987. The City owns this piece of property. The City has leased it to what Mr. Dillon calls the Highlander, which is actually 3F, LLC. That lease runs until I think 2036 based on a series of five year options. 3F, LLC or the Highlander subleases it to my client and our lease parallels the terms of the City's lease. The glitch that has been uncovered and it has just recently been uncovered...I have been talking to Tom Arnold over the last 5-10 days about how do we handle this and what is the problem and trying to resolve it. If the Highlander does not renew the lease with the City, my client has no rights to either force the Highlander to renew the lease and has no deal with the City. I apologize that this is coming up at the last minute in a situation where we have a loan in progress but we have this one glitch that can't wait for weeks and weeks for review. We really need to get something done quickly so we discussed with Mr. Dillon coming here today. We are not asking the City to agree to a lease today. We are simply asking them to give Mr. Dillon the authority to do a lease with us at market rates if the time comes so that we know we have some way of entering into a deal

quickly should the Highlander or 3F, LLC not renew their lease. Actually, I think their first lease is coming up in the next 30 days and they have not exercised their option yet so this is a real situation that puts my client at risk. This is a parking lot that is dedicated to the facility. There is no real other use for this land other than as the parking lot and again we are not asking the City to commit to any particular rate but to just give Mr. Dillon the authority so that we can do a deal at market rates should 3F, LLC not renew their lease. If they renew the lease every five years, this will never be an issue.

Mayor Guinta asked have you asked the Highlander to renew the lease and they are ignoring your request.

Mr. Tilsley answered they have not responded to it at this point. We are hoping that they will but that would be a five year renewal and we would be in the same boat come 2011 and 2016, etc.

Mayor Guinta asked when did you first start the negotiation with the Highlander.

Mr. Tilsley answered we were in with the Highlander at all times. They are our landlord on this so we deal with them on a regular basis.

Mayor Guinta asked how long have you been asking them.

Mr. Tilsley answered we have been waiting for them and we have been communicating with them for a month now to try to get them to exercise these options and we have asked them to exercise all of their options, which they haven't done yet.

Mayor Guinta asked have they issued anything in writing that says to you they will or will not.

Mr. Tilsley answered they have not.

Alderman Gatsas stated I guess your Honor you hit right on it. If you have been negotiating this for months when did you first talk to the Airport Director about it?

Mr. Tilsley answered we have been talking to the Highlander for months...

Alderman Gatsas interjected no the Airport Director.

Mr. Tilsley stated probably in the last couple of weeks.

Alderman Gatsas asked did he suggest to you that you need to come to the Board.



Mr. Tilsley responded that is just a reminder talking to the Highlander that this is coming up and you need to take some action. We can't force them to take action. All we can do is ask.

Alderman Gatsas replied my question Mr. Tilsley is if you were looking to circumvent the Highlander and you had conversation with the Airport Director so that he could negotiate with you, if you did that two weeks ago why didn't you come before this Board as part of the agenda?

Mr. Tilsley responded the problem is that the discussions we had with the Highlander was not to circumvent them but simply to ask them what are you going to do with the lease. We didn't get an answer. We recently heard from the bank that we are trying to do a loan with that this glitch, which was not a glitch when we bought the property with the same bank 10 years ago...they had no problem with this but they now identified this as a title glitch and want us to get it resolved. At that point, we approached the Airport and Tom Arnold to discuss what we could do to resolve this and move it quickly. What was suggested today was that we come before the Board and make the limited request to give Mr. Dillon the authority to do a lease at market rate should it become necessary. That way we are not asking the City to commit to anything on short notice other than giving Mr. Dillon the authority.

Mayor Guinta asked if this is granted today when are you going to ask Mr. Dillon the question. Tomorrow?

Mr. Tilsley answered I hope not. I hope that the Highlander or 3F, LLC will exercise the next five year option and I won't have to go to Mr. Dillon and that they will keep exercising their five year options and we will never have to do anything. Certainly if we get to the end of the term, which I think is the end of October or the end of November and the Highlander hasn't exercised their option, at that point we would go to Mr. Dillon and say okay we need to negotiate a lease.

Mayor Guinta stated let me get this straight. When is the end of the option?

Mr. Tilsley stated the end of the current contract expires December 1, 2006.

Mayor Guinta asked so we don't have to do this today.

Mr. Tilsley answered the urgency is not so much the end of the option. The urgency is that we are trying to refinance the property. We have a loan deadline and a loan commitment that we have to resolve within days, not weeks or months. That is why we are here on such short notice. The bank, which didn't mind this glitch in the lease the first time they lent us money for the property has now identified this as a title problem that we have to resolve. In this

type of business dealing with banks and loans coming back weeks later is just not going to be sufficient. We are going to lose the loan.

Mike Benton, Owner, Executive Health & Sports Center, stated the issue here...I was not aware that this was an issue at all until two weeks ago and the reality of the situation is that if I do not get an answer today in all likelihood I will lose my loan approval or my ability to close on the loan and thus the level of urgency. It is being driven by the bank, bank requirements on me to insure this particular oversight that was unforeseen. It is not any other issue than that. We were given this opportunity and gratefully appreciate it and hopefully we can speak to any issues you have.

Mayor Guinta asked and this is the only thing that satisfies the bank's concern.

Mr. Benton answered exactly and honestly when we amended the lease in 2001 it really should have been addressed then when we were both working collectively with the Airport to reconfigure our parking. Any of you that know the total construction effort that went on there we lived through that and were going through all of the amendments and it should have been addressed then. At this point it has now been caught and when we went for financing approval the lawyers looked at the old leases and then caught it and now it is putting me into a panic mode to try and get this approved tonight. I really do appreciate the opportunity.

Alderman Shea stated I have a vested interest because I belong to the club and I have belonged for seven years and my wife belongs. It is a wonderful club. It is clean and orderly and I don't know if anyone else goes to it but I go and we enjoy it very much and I see no reason why we should prolong this. We should allow this situation to go through as Alderman DeVries proposed. I encourage my colleagues to help him out and do what we can do to help out a business person.

Alderman Lopez asked Mr. Dillon looking on a scale of all the contracts and all the things you do for the Airport and the negotiations where does this...what did you say it is \$29,000 that you get and how many millions do you deal with.

Mr. Dillon stated it is not a significant issue for the Airport. Quite frankly this property really could not be used by anybody other than the owner of this building. The Airport Director back in 1987 made a commitment to the Highlander that ties up this property until 2036. It is not going to be used for any Airport purpose. They have the right under their existing agreement with the Highlander. There is merely for their protection in case the Highlander does not exercise the option. For the life of me I cannot understand why the Highlander would not exercise their option and I think this whole discussion is really a moot point but it is a banking issue for them. We tried to be responsive to a business that is in the area.

Alderman Lopez stated that is the whole point. Being business friendly to somebody who is there. \$29,000 with all of the other contracts the Airport negotiations. I think we are beating a dead horse here. I trust Mr. Dillon to move forward with this and I am sure he is going to do it in a very responsible manner.

Mayor Guinta replied Alderman I don't think this should be positioned as the City not looking to be business friendly. The fact of the matter is this came before this Board under new business. It clearly doesn't fall within the parameters of new business. This is something that should have gone through the proper channels. We are very pro business and I think given the proper review of this the Committee and the Board probably would have looked to help but to come before the Board under new business with an attorney and no written documents and simply ask for something is setting the wrong precedent regarding how we conduct business in this room. It is sending the absolute wrong message. This is not about us not being business friendly. If they knew two weeks ago, they should have submitted a letter with supporting documents to the Board two weeks ago.

Alderman Lopez stated I think the Alderman tried to explain that. If you give her an opportunity maybe she can explain it again.

Mayor Guinta responded if she wants to I am happy to have her explain it but I don't think her explanation is necessary.

Alderman O'Neil stated I don't disagree that we could have and should have and this could have been handled better.

Mayor Guinta replied it is not we though Alderman.

Alderman O'Neil responded I understand that. All we are doing is authorizing the Airport Director to sit down and negotiate. We are not approving a contract and Kevin I don't even know...do we approve the contract?

Mr. Dillon replied yes.

Alderman O'Neil asked so if you did have to negotiate it would come back to us anyway.

Mr. Dillon answered yes in the case of outside the terminal property I would come back to this Board.

Alderman O'Neil stated your Honor we had fastballs, curveballs and sliders tonight and once in awhile you get a change up and you have to be able to hit it.

Alderman Osborne asked when you first took out your lease was it a bad lease. You couldn't exercise your options or what is the story?

Mr. Tilsley answered we inherited the lease from the FDIC. It is not a bad lease. The problem we have is that we lease from the Highlander and our lease lasts as long as the Highlander has a lease with the City.

Alderman Osborne asked but in that lease didn't you have any options for this parking.

Mr. Tilsley answered we don't. It is our lease that we inherited from the FDIC and this is the glitch going back to 1985. That lease does not give us any options with the Highlander. We are a tenant of the Highlander as long as the Highlander is a tenant of the City.

Alderman Osborne asked even if this Board gave permission to Mr. Dillon here to go ahead and do all of this...I mean down the road and you say it might not be this year or next year but say 20 years down the road and Mr. Dillon might not be Director anymore and this Board or the next Board could always rescind that particular thing too so why...I mean what they are doing that for is collateral so if all of this blows up I don't know why they are making such a big deal out of it because this could be twisted around the other way after you give them permission anyway. True? Am I right or am I wrong?

Mr. Tilsley answered well what we are asking for is to have the Airport Director have the authority to enter into a lease at market rates that way if Mr. Dillon leaves it is not personal to him. This is what the bank has asked us to do. Again, it didn't bother them the first time. It is only now that they feel this is a problem that needs to be corrected.

Alderman Osborne stated but it is not a solid situation either way.

Mr. Tilsley replied it is not solid but I think it is fairly small request.

Alderman Osborne stated I don't have a problem with it. I am just saying it doesn't really make sense.

Mr. Dillon stated maybe to just try to put it in perspective and to talk a little bit about the timing, these gentlemen started talking to the Airport probably about two weeks ago. I think there was not a lot of certainty at that point about what the bank was asking for. I agreed two weeks ago that I would issue them a letter because I truly believe it is in my responsibility and authority to do this that said that I would recommend to the Board of Mayor and Aldermen, if it became necessary, that we enter into a lease with the Executive Health Club and I laid out the conditions of that lease. That was not acceptable to the bank because of the point that you are bringing up. That there is no certainty. That is why it is at a point of saying or asking for the Board to grant the Airport Director the authority if necessary. I truly

believe that there is not going to be a direct lease between the Airport and the Executive Health Club but this is a requirement that the bank is asking for.

Alderman Gatsas asked Kevin when did you know that was unacceptable for the bank.

Mr. Dillon answered about three days ago.

Alderman Gatsas asked so you would say last Friday.

Mr. Dillon answered yes I think it was Friday.

Alderman Gatsas asked do you think we have the right to negotiate somebody's rights away when their lease hasn't terminated.

Mr. Dillon answered I don't think we are negotiating anybody's rights away. This would be contingent upon them not renewing the lease. If they terminated the lease...simply all we are saying is give the Airport Director the authority to renew the options that they have. They have a unilateral right to those options but if for whatever reason they don't exercise it, we are essentially giving them a first right of refusal to negotiate a lease with us because they are the owner of the building.

Alderman Gatsas stated I am sure the votes are going to be here but I certainly would like a copy of the letter that you sent them that they referred to the bank.

Mr. Dillon responded I actually did not send a letter. We talked about the provisions and that was presented to the bank but there was no actual letter executed.

Alderman Gatsas asked did the bank give you a letter back saying that wasn't acceptable.

Mr. Tilsley stated most of these discussions have been verbal. I have been talking to Tom Arnold for over a week now. I was traveling last week and burned out my cell phone trading phone calls with Tom from the airport to try to come up with what we can do that is going to satisfy the bank and the Airport has been trying to help us so we got into a four way negotiation between the Airport, the City Solicitor, the bank and my client and it really is only in the last 36 hours that this has crystallized in a way that we were able to say okay we know what the bank will take and we think it is something reasonable to request from the City and the Airport and let's see if we can go in front of the Board on Tuesday and get it before we lose this particular deal.

Alderman Gatsas asked when did you talk to Alderman DeVries about it.

Mr. Tilsley answered we spoke to her this afternoon and it was the bank's attorney who contacted her because we finally worked out the details.

Mayor Guinta asked what the motion on the floor was.

Deputy City Clerk Johnson answered the motion on the floor as I understand it is to authorize the Airport Director to negotiate a lease agreement at market rates if necessary with the Executive Health Club previously outlined by the Airport Director.

Mayor Guinta called for a vote on the motion to grant the request authorizing the Airport Director to negotiate and enter into a lease agreement with the Executive Health and Fitness Center if it becomes necessary in the future as a result of the Highlander not exercising any of its future options conditional upon the price at current Airport market rates for similar uses at such future time the agreement may go into effect including any future renewal options within the agreement; and subject to any uses other than a fitness center being approved by the Airport for consistency with Airport uses. The motion carried with Aldermen Garrity and Gatsas duly recorded in opposition.

Alderman Long gave notice for reconsideration on the permitted parking spaces for the Manchester Information Center on Merrimack Street for the Granite State Ambassadors.

Mayor Guinta stated we have to properly welcome our new department head before we adjourn. Denise Van zanten. If we could all remember that it is Breast Cancer Awareness Month and as everybody has signified their support with the pink ribbons we certainly owe a debt of gratitude to Joan Porter for her work on behalf of the City. Thank you.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

City Clerk